ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. LXIX.

An Act for the Diſcharge of certain Inſolvent Debtors.

[11th *June* 1794.]



WHEREAS, notwithſtanding the great Prejudice and Detriment which Acts of Inſolvency produce to Trade and Credit, it may be convenient, in the preſent Condition of the Gaols in this Kingdom, that ſome of the Priſoners who are now confined therein ſhould be ſet at Liberty: 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, 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 Twelfth Day of *February* One thouſand ſeven hundred and ninety-four, was or were under the Terms and Conditions herein mentioned, 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, Keeper or Keepers, of any Priſon reſpectively, upon any Proceſs whatſoever, for or by reaſon of any Debt, Damage, Coſts, Sum or Sums of Money, or Contempt for Nonpayment of Money; and an

Preamble.

Gaolers to make out Liſts of Priſoners who, on *Feb.* 12, 1794, and at the Time of making out, were in Cuſtody for Debt.

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 Quarter Seſſion, or General Seſſion of the Peace, to be held after the paſſing of this Act, or at ſome Adjournment thereof, for ſuch County, Riding, Diviſion, City, Town, Place, or Liberty reſpectively.

Lifts to be delivered to the Quarter Seſſion.

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

Warden of the *Fleet*, &c. to take an Oath on delivering in Lifts.

Oath.

'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 in the Lift by me now delivered in and ſubſcribed, was and were, to the beſt of my Knowledge and Belief, really and truly Priſoners in actual Cuſtody, in the Priſon or Gaol of on the Twelfth Day of *February* One thouſand ſeven hundred and ninety-four, at the Suit or Suits of the ſeveral Perſon or Perſons therein reſpectively mentioned.'

Which the ſaid Juſtices, at the Firſt or Second General Quarter Seſſion or General Seſſion aforeſaid, or at ſome Adjournment thereof, within their reſpective Juriſdictions, are hereby empowered 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, and other Gaoler or Keeper of any Priſon reſpectively, ſhall be entered or written at the End or Bottom of the Lift 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 ſuch Warden, Marſhal, Gaoler, or Keeper reſpectively, ſhall be entered or written at the End or Bottom of the Lift which ſhall be delivered by them reſpectively, and ſhall be ſubſcribed and ſworn to by them reſpectively, in open Court; and every ſuch Lift, which ſhall be ſo delivered in, ſubſcribed, and ſworn to, in purſuance of this Act, ſhall be kept by the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace of every ſuch County, Riding, Diviſion, City, Town, Place, or Liberty reſpectively, in which any ſuch Lift 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, or Priſoner or Priſoners, without Fee or Reward.

Oaths to be adminiſtered in open Court, and entered at Bottom of Lifts.

Lifts to be kept by Clerks of the Peace, which may be examined *gratis*.

III. 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 before the Firſt or Second General Quarter Seſſion or General Seſſion of the Peace ſhall be held after

Three Copies of Lifts to be fixed up in each Priſon, &c.

the paſſing of this Act for the County, Riding, Diviſion, City, Town, Place, or Liberty, in which any 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 Quarter Seſſions, or at ſome Adjournment thereof.

Priſoners on *Feb.* 12, 1794, for Debts under 1000 *l.* whoſe Names ſhall be inſerted in Liſts, conforming to this Act, to be diſcharged.

IV. And be it further enacted, That all and every Perſon and Perſons who, on the Twelfth Day of *February* One thouſand ſeven hundred and ninety-four, were charged in any Gaol or Priſon for any Debt or Debts, Sum or Sums of Money, which did not amount in the Whole to a greater Sum than One thouſand Pounds, and whoſe Name or Names ſhall be inſerted in any ſuch Liſt to be delivered in as aforeſaid, 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 and exonerated, in ſuch Manner as hereafter is provided.

Juſtices on Petition of any Priſoner, delivering a Schedule of his Eſtate, may iſſue Warrant for bringing him to the Quarter Seſſions, &c.

V. And be it further enacted, That it ſhall and may be lawful for any Juſtice or Juſtices of the Peace 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 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 Quarter Seſſion or General 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; for which Copy or Copies of Cauſe or Cauſes, ſuch Priſoner ſhall apply to the ſaid Gaoler or Keeper of ſuch Priſon, or to the Clerk of the Papers, or other Perſon who ſhall make out and tranſcribe the ſame, at leaſt Six Days before the Time of his or her Diſcharge; which Warrant of every Juſtice or Juſtices, every ſuch Sheriff and Sheriffs, Gaoler or Keeper, is and are hereby commanded to obey.

Juſtices to tranſmit Schedules to the Clerk of the Peace for Inſpection of Creditors.

VI. 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, Town Clerk, or

or other Officer acting as 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.

Juſtices omitting for Ten Days to tranſmit Schedules to forfeit 10 *l.*

VII. And be it alſo enacted, That every ſuch Juſtice or Juſtices who ſhall refuſe or omit, for the Space of Ten Days, to tranſmit the Copy of the Schedule, ſo left with him as aforeſaid, to the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace for the County, Riding, Diviſion, City, Town, Place, or Liberty, in which the ſame ſhall have been ſo left, 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 Coſts of Suit, in the Name of any Perſon who ſhall 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.

Debtors intending to apply for their Diſcharge to give previous Notice Thrice in the *Gazette*, &c.

VIII. And be it further enacted, That all and every Debtor and Debtors who ſhall intend to apply to be diſcharged and exonerated under this Act as aforeſaid, ſhall firſt cauſe publick Notice to be inſerted in Three ſeveral *London Gazettes*, previous to ſuch General or Quarter Seſſion or General Seſſion, or the Adjournment thereof, at which ſuch Application ſhall be made; and if ſuch Debtor ſhall be in Cuſtody in any Gaol out of *London*, or the Weekly Bills of Mortality, then alſo in ſome Newſpaper 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, and Occupation, and the Two laſt Places of Abode, if ſo many, of every ſuch Debtor and Debtors, 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 Newſpaper to be the Firſt, Second, or Third Notice, according to the Time of publiſhing each of ſuch Notices; the Firſt of which ſaid Notices ſhall be ſo inſerted in the ſaid *Gazette*, or in the ſaid other Newſpapers, as the Caſe may require, Twenty-one Days at leaſt, and the laſt of the ſaid Notices Six Days at leaſt before any ſuch Firſt or Second General Quarter Seſſion or General Seſſion, or Adjournment thereof, ſhall be held as aforeſaid, ſo that as well all the Creditors who have not charged the ſaid Debtor or Debtors in Cuſtody, as thoſe Creditors who have charged ſuch Debtor or Debtors in Execution, or on Meſne Proceſs, or otherwiſe, may have ſufficient Notice thereof.

Debtors to deliver Schedules to the Gaoler previous to the Firſt Notice;

IX. And, to the Intent that all Creditors may have full and ſufficient Time to conſider the Matters and Things contained in the Schedule or Schedules intended to be delivered in by any Debtor or Debtors; be it further enacted, That every ſuch Debtor, when he or ſhe ſhall (according to the Directions of this Act) publiſh the Firſt Notice of an Intention to take the Benefit of this Act, he or ſhe ſhall, in ſuch Notice, declare that the Schedule containing his or her intended Diſcovery of his or her Real and Perſonal Eſtate (to be ſworn to in Manner as by this Act directed)

rected) is lodged in the Hands of the Gaoler or Keeper, or the Deputy of such Gaoler or Keeper, of the Prison wherein any such Debtor shall be confined, and every such Debtor is hereby directed and required to deliver such Schedule to such Gaoler, Keeper, or Deputy, as the Case may be, before he shall publish such First Notice as aforesaid, signed by his or her own Christian and Surname, to be attested by any such Gaoler, Keeper, or Deputy; and in case any Debtor shall neglect or refuse to deliver One such Schedule to such Gaoler, Keeper, or Deputy, prior to such his First Notice to be given as aforesaid, he or she, upon due Proof made of such Neglect, to the Satisfaction of the Court to which such Debtor shall make Application, shall be remanded back to Prison, there to remain till he or she shall have complied with the Directions aforesaid; and every such Gaoler, Keeper, or Deputy, is hereby directed and required to attest the Signature of the Debtor's Name to such Schedule, and to receive the same into his Custody and Charge, giving a Duplicate thereof to every such Debtor, with an Acknowledgment of his having received the Original; and he is hereby further required to deliver a true Copy of any such Schedule, signed by himself, upon Request made to him by any Creditor for that Purpose, in Writing, such Copy to be delivered to the Creditor himself, or to such Person as he shall appoint to receive the same, within Three Days after Demand made; and if any such Gaoler, Keeper, or Deputy, shall neglect or refuse to conform to the Directions hereby given him respecting such Schedule, every such Gaoler, Keeper, or Deputy, so offending, shall forfeit and pay the Sum of Twenty Pounds to any Person who shall sue for and recover the same, in any of His Majesty's Courts of Record, at *Westminster*, by Action of Debt.

and on Neglect to be remanded to Prison.

Gaolers to attest Signatures of Schedules, and give Duplicates to Debtors, and also to Creditors requiring them, on Penalty of 20 *l.*

X. And be it further enacted, That the Notices to be given by every Debtor, in Manner directed by this Act, shall be to the Effect following; (*videlicet*),

Notices to be given in the following Form;

'I [*insert the Name, Trade, Occupation, and Two last Places of Abode, if so many*] now confined in [*insert the Name of the Prison and County*], and not being charged in Custody, on the Twelfth Day of *February* One thousand seven hundred and ninety-four, with any Debt or Debts, Sum or Sums of Money, not exceeding in the Whole the Sum of One thousand Pounds, do hereby give this publick Notice, being [*insert* the First, Second, *or* Third, *as the Case may be*], that I do intend to take the Benefit of an Act, passed in the Thirty-fourth Year of His present Majesty's Reign, intituled, *An Act for the Relief of Insolvent Debtors*; [*and if it be the First Notice, then add*] and I do hereby give Notice, that a true and perfect Schedule, containing a Discovery of all my Real and Personal Estate, hereafter to be sworn to, is now ready to be delivered to any Creditor applying for the same, in Manner aforesaid, to the Gaoler or Keeper, or his Deputy, of the said Prison.'

and to be signed by the Debtor and Gaoler.

And every such Notice shall be signed by the Debtor, and countersigned by the Gaoler or Keeper, or Deputy of such Gaoler or Keeper, of such Prison.

XI. And

Debtors applying at the Seſſions, proving Notices were duly inſerted, &c.

XI. And be it further enacted, That every ſuch Debtor as aforeſaid, not being charged as aforeſaid, on the Twelfth Day of *February* One thouſand ſeven hundred and ninety-four with any Debt or Debts, Sum or Sums of Money, in the Whole to a greater Amount than to the Sum of One thouſand Pounds, who ſhall apply to the General or Quarter Seſſion, or any Adjournment thereof, ſhall, in caſe it ſhall be proved upon Oath, or by producing the ſaid Three *Gazettes* and Newſpapers before mentioned, to the ſaid Juſtices at any ſuch Seſſion, or the Adjournment thereof, that ſuch Notices were inſerted in the *London Gazette*, and other Newſpapers, were required in Manner as herein-before is directed, and that the Perſon or Perſons ſo applying was or were actually a Priſoner or Priſoners on the ſaid Twelfth Day of *February* One thouſand ſeven hundred and ninety-four, in the Gaol or Priſon in which his, her, or their Name or Names is or are ſpecified in the Liſt delivered in at any ſuch Firſt or Second Seſſion, or any Adjournment thereof as aforeſaid, in purſuance of this Act, ſhall, in open Court, at the ſaid General Quarter Seſſion or General Seſſion, or any Adjournment thereof, ſubſcribe and deliver in a true Schedule or Account of all his or her Real Eſtate, in Poſſeſſion, Reverſion, Remainder, or Expectancy, and alſo 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 entitled to, or was or were in his or her Poſſeſſion at any Time ſince his or her Commitment to Priſon, 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),

ſhall in open Court deliver in ſigned Schedules;

and make the following

Oath.

'I *A. B.* upon my corporal Oath, in the Preſence of Almighty God, do ſolemnly ſwear, proteſt, and declare, That on the Twelfth Day of *February* One thouſand ſeven hundred and ninety-four, I was really and truly a Priſoner, in the actual Cuſtody of in the Priſon or Gaol of at the Suit of without any Fraud or Colluſion whatſoever; and that I have, ever ſince my 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, in Poſſeſſion, Reverſion, Remainder, or Expectancy, which I, or any Perſon in Truſt for me, or for my Benefit or Advantage, are ſeiſed or poſſeſſed of, intereſted in, or entitled to, or was or were in my Poſſeſſion at any Time ſince my Commitment to Priſon, and of all Debts which 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 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 Expec-'tancy, 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, together 'with a Sum of Money not exceeding Five Pounds, and theſe in the 'Whole not exceeding the Value of Thirty 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, Chattels, 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 anywiſe howſoever.

'So help me GOD.'

Schedule and Oath to be ſubſcribed in Court, and remain with the Clerk of the Peace for Peruſal of Creditors.

And the ſaid Schedule and Oath ſhall be, by every ſuch Debtor, 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, Town Clerk, or other Officer acting as 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 Debtor 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 the ſame.

Court, at the Requeſt of a Creditor, may examine Gaolers on Oath.

XII. And be it further enacted, That the Juſtices of Peace within their reſpective Juriſdictions, at any ſuch General Quarter Seſſion or General Seſſion, or Adjournment thereof, at the Requeſt of any Creditor or Creditors of any ſuch Debtor, 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, within their reſpective Juriſdictions, to come before them, and to examine them reſpectively on Oath touching any of the Matters contained in any of the Oaths preſcribed by this Act to be taken, and the Truth thereof; and if the Oath which ſhall have been taken in open Court by any Debtor or Debtors 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 Quarter Seſſion or General Seſſion, ſhall be ſatisfied with the Truth of the Oath taken by any ſuch reſpective Debtor, then ſuch Juſtices ſhall, in ſuch Seſſion, or ſome Adjournment thereof, adjudge ſuch Debtor or Debtors to be entitled to the Benefit of this Act; and ſhall order 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; and every ſuch Order ſhall be a ſufficient Diſcharge to the Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of

Debtor's Oath not being diſproved, the Court to order his Diſcharge.

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.

Eſtate and Effects of diſcharged Debtors veſted in the Clerk of the Peace, who is to aſſign the ſame to ſuch Creditors as the Court ſhall direct, &c.

XIII. And be it further enacted by the Authority aforeſaid, That all the Eſtate, Right, Title, Intereſt, and Truſt, of ſuch Debtor of, in, and unto, all the Real Eſtate, as well Freehold and Copyhold as Cuſtomary, and to all the Perſonal Eſtate, Debts, and Effects, of every ſuch Debtor, ſhall, immediately after ſuch Adjudication, be, and the ſame is hereby veſted in the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, of and for the County, Riding, City, Town Corporate, Diviſion, Liberty, or Place, where any ſuch Debtor ſhall be reſpectively diſcharged; and every ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, is hereby directed and required to make an Aſſignment and Conveyance of every ſuch Debtor's Eſtate and Effects, veſted in ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace as aforeſaid, to ſuch Creditor or Creditors of the ſaid Debtor as the Juſtices, at any General or Quarter Seſſion of the Peace, or at any Adjournment thereof, which ſhall be held by them within their reſpective Juriſdictions, ſhall order and 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, 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 Debtor had therein; and every ſuch Aſſignment and Conveyance ſhall be in Truſt for the Benefit of the Creditor or Creditors of every ſuch Debtor to whom the ſame ſhall be made, and the Reſt of the Creditors of ſuch Debtor, in reſpect of or in Proportion to their reſpective Debts; and every Perſon or Perſons to whom any ſuch Aſſignment and Conveyance as aforeſaid ſhall be made, is and are hereby fully empowered 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 Debtor, and alſo to execute any Truſt or Power veſted in, or created for the Uſe or Benefit of any ſuch Debtor, but in Truſt for the Benefit of him or themſelves, and the Reſt of the Creditors of every ſuch Debtor, and to give ſuch Diſcharge and Diſcharges to any Debtor or Debtors of any ſuch Perſon as ſhall be requiſite; and every ſuch Aſſignee or 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 Debtor, and ſhall, with all convenient Speed, make Sale of all the Eſtates of ſuch Debtor veſted in ſuch Aſſignee or Aſſignees; and if any ſuch Debtor ſhall be intereſted in or entitled 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 publick Auction, in ſuch Manner, and at ſuch Place, as the major Part of the Creditors of any ſuch Debtor, who ſhall aſſemble together on any Notice in Writing, publiſhed in the *London Gazette*, or in ſome Daily Paper, if the Debtor before his going to Gaol reſided in *London*, or in the Weekly

Aſſignees to get in Effects and ſell them, &c.

Weekly Bills of Mortality, and if elſewhere, then in ſome Newſpaper which ſhall be publiſhed in or near the County, Riding, Diviſion, City, Town, Liberty, or Place, in which ſuch Debtor 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 or Aſſignees, at the End of Three Months at fartheſt from the Time of his or their accepting any ſuch Aſſignment or Conveyance as aforeſaid, ſhall make a juſt and fair Dividend of all ſuch Debtor's Eſtate and Effects, which ſhall have been then recovered, 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 Debtor'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 Debtor ſhall have been diſcharged, that every ſuch Account contains a juſt and fair Account of the Eſtate and Effects of every ſuch Debtor 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 the 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 Juſtice or Juſtices; and if any Creditor of ſuch Debtor 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 Debtor ſhall have been adjudged to have been entitled to the Benefit of this Act, at their next General or Quarter Seſſion, and what they ſhall there determine in the Premiſes ſhall be concluſive to all Parties; and if, after Payment of all ſuch Debtor's Creditors, there ſhall any of his Eſtate and Effects remain, after Payment of all reaſonable Charges, the ſame ſhall be paid to ſuch Debtor, his Executors, or Adminiſtrators.

Aſſignees to make Dividend within Three Months; firſt making up their Accounts and verifying them on Oath.

30 Days Notice of making Dividend to be given.

None to ſhare till they have proved their Debts.

Reality of Debts may be inquired into at the Seſſions.

Surplus of Effects to be paid the Debtor.

XIV. And, for obviating any Doubts which may otherwiſe ariſe how far the ſeveral Powers and Authorities, by this Act veſted in or given to Clerks of the Peace, may be lawfully done, exerciſed, or performed, by the Deputy or Deputies of the Clerk of the Peace for the County Palatine of *Lancaſter*, (the ſaid Office of Clerk of the Peace for the ſaid County Palatine being held by Letters Patent from His Majeſty, with the Power of executing the ſame by Deputy or Deputies); be it further enacted and declared, That all Aſſignments and Conveyances of the Eſtate and Effects of any Debtor or Debtors, and all other Acts, Deeds, Matters, and Things, which ſhall be done, exerciſed, or performed, in the Execution of this Act by any Deputy or Deputies of the Clerk of the Peace for the ſaid County Palatine of *Lancaſter*, or by the Perſon or Perſons who, for the Time being, ſhall exerciſe and perform the Truſts and Duties of the ſaid Office within and for the ſaid County Palatine, ſhall be of the ſame Force, Validity, and Effect, in the Law, to all Intents and Purpoſes, as if the ſame had been done, executed, or performed,

Powers of Clerk of the Peace to extend to the Deputy Clerks for the County of *Lancaſter*.

formed, by the Clerk of the Peace of the ſaid County Palatine of *Lancaſter* for the Time being.

Eſtates of Debtors not inſerted in Schedules to be veſted in the Clerk of the Peace.

XV. And, to the Intent that no Loſs may ariſe to any Creditor or Creditors from any Neglect or Omiſſion in the Schedule, not containing the Whole of the Eſtate, Real or Perſonal, belonging to any Debtor who ſhall apply for his or her Diſcharge, under the Authority of this Act; be it enacted, That all the Eſtate, whether Real or Perſonal, which ſhall belong to any Debtor or Debtors, and of which he, ſhe, or they, ſhall be actually poſſeſſed at the Time of making ſuch Schedule, ſhall be deemed and taken to be a Part of the Eſtate contained in ſuch Schedule, though not inſerted therein, and ſhall in like Manner become veſted in the Clerk of the Peace, Town Clerk, or other Officer acting as ſuch, to all Intents and Purpoſes, as if the ſame had been contained in ſuch Schedule, and had been delivered into the Court according to the Directions of this Act.

Securities without valuable Conſiderations void.

XVI. Provided always, and be it enacted, That no Perſon holding any Security whatſoever, for which the Inſolvent never received any valuable Conſideration, ſhall be entitled to receive any Benefit from his Eſtate.

Eſtates to be veſted in the Clerk of the Peace for the Time being.

XVII. Provided always, and be it enacted, That in caſe of the Death or Removal of any Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace as aforeſaid, in whom the Eſtate, Right, Title, Intereſt, or Truſt, of any Debtor or Debtors ſhall have veſted by the Authority of this Act, every ſuch Eſtate, Right, Title, Intereſt, and Truſt, ſhall become veſted in the Succeſſor or Succeſſors to every ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace as aforeſaid reſpectively, as the Caſe may be, to all Intents and Purpoſes whatſoever, under the Proviſions of this Act.

No Suit in Equity to be commenced without Conſent of Majority, in Value of Creditors.

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

Schedules to be produced by Clerks of the Peace to Creditors;

XIX. And be it further enacted by the Authority aforeſaid, That the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, of every reſpective County, City, and County Town, and County Riding, Diviſion, Cinque Port, Liberty, and Place, with whom any Schedules of the Eſtates of any Inſolvent Debtor or Debtors ſhall be left, and his Succeſſors, Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace as aforeſaid, ſhall, on the reaſonable Requeſt of any Creditor or Creditors of ſuch Inſolvent Debtor or Debtors, 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 Eſtate of any ſuch Inſolvent Debtor or Debtors, which ſhall be left with any ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, or his Predeceſſor in that Office; and that a Copy of every ſuch Schedule, ſigned by the Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, in whoſe Cuſtody the

and ſigned Copies to be Evidence.

the ſame ſhall be, or his Deputy, purporting to be a true Copy of ſuch Schedule, without being wrote on Stamped Paper, 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, Town Clerk, or other Officer acting as Clerk of the Peace, 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 Sixpence by the Sheet, each Sheet to contain Seventy-two Words, and ſo in Proportion for leſs than Seventy-two 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 ſhall proſecute for the ſame, and One Moiety of which Money forfeited ſhall, when recovered, go to the Party who proſecuted for the ſame, and the other Moiety thereof to the Poor of the Pariſh in which the Offence ſhall be committed.

Clerk of the Peace refuſing to produce Schedules, &c. to forfeit 10*l.* and Treble Coſts.

Application of Penalty.

XX. 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 heretofore 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 or Tenants, to ſuch Copyhold or Cuſtomary Premiſes, 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 ſaid Debtor had therein at the Time of his or her being adjudged entitled to the Benefit of this Act as aforeſaid, reſerving the Rents, Duties, Heriots, Cuſtoms, and Services, payable and to be rendered in reſpect of the ſaid Copyhold or Cuſtomary Premiſes.

Aſſignees to compound with Lords of Manors for Copyhold or Cuſtomary Eſtates.

XXI. 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 Debtor, which may be expectant upon or ſubject unto the Eſtate or Intereſt of the ſaid Debtor, hereby veſted in the ſaid Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace; but that the Eſtate, Intereſt, and Right whatſoever, of every other Perſon or Perſons, ſhall remain, continue, and be ſaved, to them, in the ſame Manner as if this Act had not been made.

The Debtor's Right only to be affected by this Act.

XXII. Provided alſo, and be it enacted by the Authority aforeſaid, That nothing in this Act ſhall extend, or be conſtrued to hinder or prevent

Mortgages, &c. to take place of Claims of an inferior Nature.

vent any Mortgage or Mortgages upon the Eſtate of ſuch Debtor or Debtors, or any Part thereof, to take place upon the Lands, Tenements, or Hereditaments, comprized in ſuch Mortgage or Mortgages reſpectively, nor to prevent any Statute Staple, Statute Merchant, Recognizance, or Judgement, acknowledged by or obtained againſt any ſuch Debtor or Debtors, to take place upon the Lands, Tenements, or Real Eſtate of ſuch Debtor or Debtors; and alſo where any Inquiſition ſhall have been taken upon any ſuch Statute or Recognizance, or any Writ or 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 Debtor reſpectively ſhall be ſubject thereto, in the Firſt Place, for ſo much as ſhall remain 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 Debtor and Debtors reſpectively, if this Act had not been made; any Thing herein-before contained to the contrary thereof in anywiſe notwithſtanding.

Power of Leaſing Lands veſted in Aſſignees.

XXIII. And whereas many Perſons who may be entitled to and claim the Benefit of this Act are ſeiſed and poſſeſſed of Lands, Tenements, and Hereditaments, to hold to ſuch Debtors 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 Debtors: Be it therefore enacted by the Authority aforeſaid, 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 Debtor or Debtors as aforeſaid, ſhall be, and are hereby veſted in the Aſſignee or Aſſignees of the Real and Perſonal Eſtate of ſuch Debtor, by virtue of this Act, to be by ſuch Aſſignee or Aſſignees executed for the Benefit of all and every the Creditors of ſuch Debtors as aforeſaid.

The acting Gaoler at the Time of delivering Liſts to be the Perſon ſworn.

XXIV. 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 Seſſions 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.

XXV. And

XXV. And be it enacted by the Authority aforeſaid, That the Juſtices, at any General or Quarter Seſſions 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, at Requeſt of Creditors, to adminiſter to Gaolers the following

'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 the Twelfth Day of *February* One thouſand ſeven hundred and ninety-four; 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.' Oath.

And if any Perſon who was Gaoler or Keeper, or deputed Gaoler or Keeper, of any ſuch Gaol or Priſon, on the ſaid Twelfth Day of *February* One thouſand ſeven hundred and ninety-four, 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 hereby required to adminiſter and give to 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), If the Gaoler delivering in Liſts, was not Gaoler on *Feb.* 12, 1794, he ſhall take the following

'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 Twelfth Day of *February* One thouſand ſeven hundred and ninety-four, 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 and Belief.

'So help me GOD.' Oath.

XXVI. And, in order to diſcover any fraudulent Entries or Commitments of Debtors 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, Court, at Requeſt of Creditors, may examine Gaolers on

Oath touching Commitments.

rized, at the Requeſt of any Creditor or Creditors of any Debtor, 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 Twelfth Day of *February* One thouſand ſeven hundred and ninety-four, 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 Debtor, 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 ſuch 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, he ſhall on Conviction ſuffer Six Months Impriſonment, or if any Gaoler or Keeper attending, ſhall refuſe to make Anſwer and Diſcovery in the Premiſes, as ſhall be reaſonably required at ſuch General or Quarter Seſſion, or any Adjournment thereof, he, ſhe, or they, ſo offending in the Premiſes, 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.

Penalty on Sheriffs, &c. diſobeying Orders of Court, &c.

Penalty on Gaolers, and Printer of the *Gazette*, for not complying with the Regulations of this Act.

XXVII. 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 Quarter Seſſion, or General 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 Quarter Seſſion, or General 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 Twelfth Day of *February* One thouſand ſeven hundred and ninety-four, 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 detain any ſuch Priſoner after he or ſhe ſhall be diſcharged as aforeſaid; or if the Printer of *The London Gazette*, or other Newſpaper as aforeſaid, ſhall wilfully refuſe or neglect to inſert therein the Notice by this Act directed to be given, on reaſonable Requeſt to him made for that Purpoſe, every ſuch Gaoler and Keeper of ſuch Priſon or Priſons, his Deputy or Deputies, and every ſuch Printer as aforeſaid, ſhall, being duly convicted thereof, ſuffer Three Months Impriſonment.

Penalty on Gaolers perjuring themſelves.

XXVIII. And be it further enacted by the Authority aforeſaid, That if any ſuch Gaoler or Gaolers, or Keeper or Keepers, or any deputed Gaoler or Keeper, of any Priſon, ſhall, in taking of the afore-mentioned 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 and 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.

Penalty on Clerks of the Peace refuſing to give Copies of Adjudications of Diſcharges, &c.

XXIX. And be it further enacted, That if any Clerk of the Peace, or his Deputy, or Town Clerk, or other Officer acting as Clerk of the Peace, ſhall delay or refuſe to give every or any ſuch Debtor, adjudged to be entitled to his Diſcharge as aforeſaid, within Fourteen Days after ſuch Adjudication, a Copy of the Order of Adjudication, on the Payment of Two Shillings and Sixpence, or ſhall take more than the Sum of Two Shillings and Sixpence for ſuch Copy, or ſhall take more than One Shilling for an Aſſignment or Conveyance of ſuch Debtor's Eſtate or Effects, every ſuch Clerk of the Peace, or his Deputy, or Town Clerk, or other Officer acting as Clerk of the Peace, 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, or Town Clerk, or other Officer acting as Clerk of the Peace ſo offending.

Debtors forſwearing themſelves to be deemed guilty of Perjury.

XXX. And be it further enacted by the Authority aforeſaid, That if any Debtor as aforeſaid, who ſhall take the Benefit of this Act, ſhall wilfully forſwear and 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 ſuffer ſuch Puniſhment as by Law may be inflicted on Perſons convicted of wilful and corrupt Perjury.

Debtors diſcharged by this Act not liable to Impriſonment for Debts prior to *Feb.* 12, 1794.

XXXI. And be it further enacted by the Authority aforeſaid, That no Perſon entitled to the Benefit of 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, Bond, Damages, Contempts for Nonpayment of Money, Coſts, Sum or Sums of Money contracted, incurred, occaſioned, owing, or growing due, before the ſaid Twelfth Day of *February* One thouſand ſeven hundred and ninety-four, 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, or for any Two Juſtices of the Peace, upon ſhewing the Copy of ſuch Order of Adjudication as aforeſaid, to releaſe and diſcharge out of

Custody such Prisoner or Prisoners as aforesaid, and at the same Time, to order the Plaintiff or Plaintiffs in such Suit or Suits to pay such Prisoner or Prisoners the Costs he, she, or they shall have incurred on such Occasion, or so much thereof as to such Judge or Justices shall seem just and reasonable; 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.

Prisoners not discharged of Debts subsequent to *Feb.* 22, 1794.

XXXII. And whereas, under former Acts of this Kind, Doubts have arisen what was to be done with such Prisoners who applied at any Session to be discharged, who owed and stood charged with Debts, as well previous as subsequent to the Day limited by the respective Acts: To remedy which, be it therefore enacted by the Authority aforesaid, That no Prisoner or Prisoners shall be discharged of any Debts incurred subsequent to the Twelfth Day of *February* One thousand seven hundred and ninety-four; and if it shall appear to the Justices, in any Session or Adjournment, that any Prisoner or Prisoners, then applying to them to be discharged, shall stand charged as well with Debts previous to as subsequent to the Twelfth Day of *February* One thousand seven hundred and ninety-four, that, in such Cases, it shall and may be lawful to and for the Justices to discharge the Person of such Prisoner on Account of all Debts incurred previous to the said Twelfth Day of *February* One thousand seven hundred and ninety-four, and to remand him or her back to the Custody of the Keeper of the Prison from whence he or she was brought, for all Debts with which he or she stands charged with in his Custody, incurred subsequent to the said Twelfth Day of *February* One thousand seven hundred and ninety-four.

Prisoners who, on Application as Insolvent Debtors, have been remanded back, &c. and who have been discharged without their Consent, entitled to the Benefit of this Act.

XXXIII. And be it further enacted by the Authority aforesaid, That in case any Person, being a Prisoner, charged in Execution on the said Twelfth Day of *February* One thousand seven hundred and ninety-four, and having before or since that Day petitioned any Court to be discharged as an Insolvent Debtor, and having conformed to the several Provisions of the Laws in being for that Purpose, shall have been brought up, and by the Court before which such Prisoner was so brought up, remanded back to the Prison or Gaol from which such Prisoner was brought up, there to continue in Execution on the Undertaking of his or her Plaintiff or Plaintiffs, to pay to him or her Two Shillings and Four-pence Weekly and every Week, during such Time as such Prisoner should remain in Execution at the Suit of such Plaintiff or Plaintiffs, and such Prisoner so continued in Execution shall have been or shall be discharged from such Execution by his or her Plaintiff or Plaintiffs, without his or her own Privity and Consent, subsequent to the said Twelfth Day of *February* One thousand seven hundred and ninety-four, and before the Day whereon he or she might otherwise have applied to take the Benefit of this Act, every such Prisoner shall be entitled, notwithstanding such Discharge, to the same Relief and Advantage, to all Intents and Purposes whatsoever, which he or she might or could have otherwise obtained by virtue of this Act; any Thing herein contained to the contrary notwithstanding.

Act may be pleaded to any Action of Escape.

XXXIV. 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

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.

Act may be pleaded generally, &c.

XXXV. 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 or her 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 Twelfth Day of *February* One thouſand ſeven hundred and ninety-four, with reſpect to Debtors in actual Cuſtody on the ſaid Twelfth Day of *February* One thouſand ſeven hundred and ninety-four, it ſhall be lawful for any ſuch Debtor, his or her Heirs, Executors, or Adminiſtrators, to plead generally that ſuch Debtor was actually a Priſoner in ſuch Priſon at ſuch a Perſon's Suit on the Twelfth Day of *February* One thouſand ſeven hundred and ninety-four, and was or were duly diſcharged, according to this Act, at the General Quarter Seſſion, or General 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 Twelfth Day of *February* One thouſand ſeven hundred and ninety-four, 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 ſhal happen) was contracted or due before the ſaid Twelfth Day of *Februar* One thouſand ſeven hundred and ninety-four, without pleading any other Matter ſpecially; whereto the Plaintiff 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 entitled 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.

Attornies or Servants embezzling Money, excluded the Benefit of this Act.

XXXVI. Provided always, 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 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; or to releaſe or diſcharge any Servant or Agent, or any Perſon or Perſons employed or intruſted as ſuch, with regard to any Debt or Demand with which he, ſhe, or they ſhall ſtand charged for and on Account of any Money, Goods, or other Effects, received or poſſeſſed by him, her, or them, for the Uſe and on Account of his, her, or their Maſter or Maſters, or Employers, and by ſuch Servant or Agent embezzled, concealed, or converted, to his, her, or their own Uſe; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

XXXVII. And

Persons obtaining Money, &c. by false Pretences, excluded the Benefit of this Act;

XXXVII. And whereas many evil-disposed Persons, to support their profligate Way of Life, have, by various subtle Stratagems, Threats, and Devices, fraudulently obtained divers Sums of Money, Goods, Wares, Merchandize, Bonds, Bills of Exchange, Promisory Notes, or other Securities for Money, to the great Injury of industrious Families, and to the manifest Prejudice of Trade and Credit; be it enacted, That no Prisoner, who knowingly and designedly, by false Pretence or Pretences, shall have obtained from any Person or Persons Money, Goods, Wares, Merchandizes, Bonds, Bills of Exchange, Promisory Notes, or other Securities for Money, shall have or receive any Benefit or Discharge by or under this Act; but the Justices at any General or Quarter Session of the Peace, or any Adjournment thereof, before whom any such Prisoners shall be brought, upon due Proof of the Matter, made to their Satisfaction, shall remand such Prisoner to the Custody of the Gaoler or Keeper of the Prison from whence he or she shall have been brought; any Thing herein contained to the contrary notwithstanding.

and Persons removing Effects of the Value of 50 *l.* liable to Payment of Rent;

XXXVIII. And whereas many Debtors, for Rents of Lands, Messuages, Houses, or other Premises, have, with a fraudulent Intent to disappoint the Right of their respective Landlords, removed the Stock, Cattle, Furniture, Goods, or other Effects, which were subject and liable to be distrained for the Satisfaction of the said Rents; be it enacted by the Authority aforesaid, That no Prisoner or Prisoners, who, in a secret, clandestine, or fraudulent Manner, shall have removed, or caused to be removed, within Six Years before the passing of this Act, any such Stock, Cattle, Furniture, Goods, or Effects, of the Value of Fifty Pounds or upwards, which were subject and liable to be distrained by their respective Landlords for or in Payment of such Rent or Rents, whereby such Landlord or Landlords shall have lost all or some Part of the Rent or Rents due to him, her, or them, as aforesaid, shall be discharged by or under this Act, but shall, on due Proof of the Matter as aforesaid, be remanded in Manner herein-before mentioned; any Thing herein contained to the contrary notwithstanding.

and also Persons selling or assigning Effects to defraud Creditors.

XXXIX. And whereas many Debtors have, with a View to defraud their Creditors, sold, transferred, conveyed, or assigned, their Estate and Effects to some Person or Persons, subsequent to their being in Custody of Law, or imprisoned under some Process for Debt: And whereas such Sale, Transfer, Conveyance, or Assignment, hath been fraudulently made, to the infinite Prejudice of the fair and honest Creditor, though sufficient Proof could not be obtained to convict the Party of a fraudulent Design: Be it enacted, That whenever it shall be proved, by One or more credible Witness or Witnesses, to the Satisfaction of the Court to which any Prisoner shall be brought up, in order to obtain his or her Discharge, that such Prisoner has sold, transferred, conveyed, or assigned, to any Person or Persons, all or any Part of his Estate or Effects, subsequent to the Time of his Imprisonment, without just Cause for so doing, to be allowed by the Justices presiding in such Court as aforesaid, every such Debtor shall lose all the Benefits and Advantages that he might otherwise have claimed under the Authority of this Act, and shall not be entitled to his or her Discharge; and every such Sale, Transfer, Conveyance, or Assignment, is hereby declared to be null and void.

Gaolers to permit Prisoners to be spoken with, &c. on Penalty of 40 *l.*

XL. 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 in the said Prison, with any Prisoner or Prisoners, whose Names are inserted in the above-mentioned List or Lists, or *London Gazette*, or other Newspapers, or any of them, 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, Debtor or Debtors, together with the Name or Names of the Person or Persons at whose Suit or Suits he, she, or they, are or were 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 Premises 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 at *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.

Gaolers making false Entries, *etc.* to forfeit 500 *l.*

XLI. And be it further enacted, That if any Gaoler or Keeper, or deputed 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 in actual Custody as aforesaid, (except as in the Oath of every 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 such false Entry or 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.

Debtors refusing to discover the Trade and Abode of the Person at whose Suit detained, *etc.* to be excluded the Benefit of this Act.

XLII. And be it further enacted, That if any Debtor, 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 or was detained or charged in Custody, or if any Prisoner 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 Debtor, 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 anywise notwithstanding.

Juſtices may hold a Seſſion for Diſcharge of Priſoners at or near the County Gaol.

XLIII. And whereas there is but One Common or County Gaol for each of the reſpective Counties of *York* or *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 any of the Ridings or Diviſions in the reſpective Counties, (or any other County or Counties where the Priſons are at a Diſtance from the Place where the Seſſions are held), 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 the Diſtrict of *Holland* may adjourn to or near the County Gaol.

XLIV. And whereas the Diviſion or Diſtrict of *Holland*, in the ſaid County of *Lincoln*, is diſtant near Forty Miles from the ſaid County Gaol, and it is highly inconvenient and expenſive for the Juſtices of the Peace acting for the ſaid Diviſion to be obliged to travel to the ſaid Gaol for the ſole Purpoſe of diſcharging the Priſoners under the Powers by this Act given; be it therefore enacted, That for the ſeveral Purpoſes aforeſaid, the Juſtices for the ſaid Diviſion or Diſtrict of *Holland* may adjourn their original Seſſions to the County Gaol, or ſome Place near thereunto; and that it ſhall and may be lawful for any Two Juſtices of the Peace, acting either for the Parts of *Lindſey*, *Keſteven*, or *Holland*, to hold ſuch adjourned Seſſions for the ſole Purpoſe of diſcharging ſuch Priſoners; Notice of the Adjournment of ſuch original Seſſion being given by the Clerk of Seſſions to ſuch Juſtices, and who ſhall attend there to regiſter the Proceedings of the ſaid Court, ſo far as the ſame relate to or affect the Diſcharge of any Priſoner detained for Debt in the Diviſion of *Holland*, and claiming the Benefit of this Act.

Juſtices for *Surrey* may adjourn to *Southwark*.

XLV. And whereas the next General Quarter Seſſions of the Peace for the County of *Surrey*, which ſhall happen after the paſſing of this Act, may be in the Country, and upwards of Twenty Miles from any of the ſaid Priſons; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful for ſuch Juſtices as ſhall be aſſembled at the General Quarter Seſſion of the Peace to be holden for the County of *Surrey*, next after the paſſing of this Act, and they are hereby required forthwith to adjourn the ſaid Seſſion to the Borough of *Southwark*, for the Purpoſe of adminiſtering the Oaths required to be taken and ſubſcribed by this Act, by the ſeveral Gaolers within the ſaid County, and for the Diſcharge of Priſoners or other Debtors, according to the Powers, Limitations, and Directions of this Act.

Priſoners in Cuſtody for Fees, &c. to be diſcharged.

XLVI. And be it further enacted by the Authority aforeſaid, That all Debtors and others, who were in Priſon on or before the Twelfth Day of *February* One thouſand ſeven hundred and ninety-four, in any of the Gaols of this Kingdom, and now remain there for not paying their Fees,

Fees, Rents, or other Demands, due or claimed as due, to the Keeper of Gaoler of any Priſon reſpectively, or to any other Officer of 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.

Act not to extend to Debtors to the Crown or Revenue.

XLVII. Provided always, and it is hereby further enacted by the Authority aforeſaid, That this Act ſhall not extend, or be conſtrued to extend, to diſcharge any Perſon ſeeking the Benefit of this Act, with reſpect to any Debt or Penalty with which he or ſhe ſhall ſtand charged at the Suit of the Crown, or at the Suit of any Sheriff or other Publick Officer, upon any Bail Bond entered into for the Appearance of any Perſon proſecuted for any Offence committed againſt any Act or Acts of Parliament relative to His Majeſty's Revenues of Cuſtoms, Exciſe, or Salt Duties, or either of them.

Determination of Juſtices to be final, unleſs the Priſoner get rid of the Objection, &c.

XLVIII. And whereas, under former Acts, Creditors have been put to great Expences and Trouble, in attending every Seſſion and Adjournment, during the whole Continuance of the Act, to oppoſe the Diſcharge of Debtors clearly excluded from any Benefit under the ſaid reſpective Acts, but who, after having been before One Seſſion heard, and refuſed a Diſcharge, to haraſs their Creditors, conſtantly gave freſh Notices for each ſubſequent Seſſion and Adjournment, of their intended Application to be diſcharged: To remedy which, be it further enacted by the Authority aforeſaid, That in all Caſes whatever, the Determination of the Juſtices in Seſſion or Adjournment ſhall be final to all Intents and Purpoſes, unleſs the Debtor ſhall, during the Continuance of this Act, get rid of the Objection or Objections for which they refuſed his Diſcharge; and that the ſame may be clear and certain, the Juſtices are hereby required to ſtate the Objections why ſuch Debtor's Diſcharge is refuſed by them; and in all Caſes whatever, it ſhall and may be lawful to and for the Juſtices, at any ſubſequent Seſſion or Adjournment, upon Application from the Priſoner, upon due Proof on Oath made to them, by Two or more credible Witneſſes, (which Oath they are hereby empowered to adminiſter), of each Objection or Objections being removed, and on Proof of Notice ſerved, at leaſt Ten Days previous to ſuch Application, on the Creditor or Creditors who before oppoſed his Diſcharge, and of Notice likewiſe inſerted in the *Gazette*, in Manner before directed by this Act, to order ſuch Priſoner to be brought before them, and, if they ſhall then be of Opinion the ſaid Debtor is entitled to the Benefit of this Act, to adjudge him or her entitled to the Benefit of this Act; and if a Priſoner, to order him or her to be diſcharged, he or ſhe taking the Oath, and in all other Reſpects conforming to the Directions of this Act.

Priſoners ſeiſed of Eſtates in Tail to deliver them up.

XLIX. And whereas it may happen that ſeveral Perſons who may claim and be entitled 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 entitled 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, and 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 anywiſe notwithſtanding.

Aſſignees may apply for the further Examination of Debtors, &c.

L. And whereas many Perſons who may take the Benefit of this Act may be entitled to ſundry and great Debts and Demands of various and intricate Natures, and they may be entitled to Equities of Redemption of Eſtates ſubject and liable to Mortgages, Judgements, and 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 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, That it ſhall and may be lawful to and for the reſpective Aſſignees of the Eſtate and Effects of ſuch Debtor or Debtors, 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 Perſon or Perſons ſhall be then reſiding, thereby deſiring that ſuch Perſon or Perſons 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 Perſon or Perſons, by ſuch Warrant, Summons, Ways, or Means, as they ſhall think fit; and upon ſuch Perſon'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 and Effects of ſuch Perſon or Perſons; and if any Perſon or Perſons (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 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, Town Clerk, or other Officer, acting as 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 Perſon or Perſons ſo offending as aforeſaid, and him, her, or them, to commit to the Common 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 as aforeſaid.

Juſtices to call the Perſons before them, and may commit them for Non appearance.

LI. 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 Debtor or Debtors, voluntarily come in and make a Diſcovery of any Part of ſuch Debtor or Debtors Real and Perſonal Eſtate as ſhall not be comprized in ſuch Schedule as aforeſaid, before any 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 ſhall be recovered on ſuch Diſcovery, and which ſhall be paid to ſuch Perſon or Perſons ſo diſcovering the ſame, by the Aſſignee or Aſſignees of ſuch Priſoner's Eſtate and Effects.

20l. per Cent. for diſcovering any Part of Debtor's Eſtate not comprized in Schedule.

LII. Provided always, and be it enacted, That notwithſtanding the Diſcharge of any Debtor or Debtors 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 Debtor was not true, then, and in every ſuch Caſe, every ſuch Diſcharge ſhall be void and of none Effect.

Diſcharge obtained fraudulently, void.

LIII. 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 Debtor or Debtors, who ſhall be choſe in purſuance of this Act, by and with the Conſent of the major Part in Value of ſuch Perſon or Perſons Creditors, who ſhall be preſent at a Meeting to be held on Twenty-one Days publick Notice being previouſly given for the Purpoſe hereafter mentioned, in *The London Gazette*, if the Debtor was in Cuſtody in *London*, or within the Weekly Bills of Mortality, and if not, then alſo in ſome Newſpaper 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 Debtor or Debtors, 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 Debtor or Debtors Eſtate and Effects, or to any Debt or Debts due, or claimed to be due, to or from ſuch Debtor or Debtors, 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 ſuch 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 or 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 Debtor or Debtors; and every ſuch Aſſignee or Aſſignees is and are hereby indemnified for what they ſhall fairly do in the Premiſes in purſuance of this Act.

Aſſignees, with Conſent of Majority in Value of Creditors, may compound for Debts, and ſubmit Diſputes to Arbitration.

LIV. And, for the better Diſcovery of the Eſtate and Effects of any Debtor 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,

Penalty on Perſons concealing Eſtates of Debtors.

Eſtate, Real or Perſonal, of any ſuch Debtor from his Creditors, and ſhall not, within Thirty Days after any Aſſignee or Aſſignees ſhall, in purſuance of this Act, be choſen of any ſuch Priſoners 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.

If Aſſignees die others may be appointed, &c.

LV. And whereas Proviſion ought to be made as to what ſhould become of the Eſtate and Effects of any Debtor or Debtors not got in, obtained, or recovered, by any Aſſignee or Aſſignees choſe purſuant to the Directions of the ſeveral Acts at the Time of his or their Death or Deaths, and whoſe Heir or Heirs, Executors, Adminiſtrators, and Aſſigns, refuſed to act or meddle therein: To remedy which, be it enacted, That in all ſuch Caſes it ſhall and may be lawful to and for the Creditors of every ſuch Debtor or Debtors to chuſe a new Aſſignee or Aſſignees, in Manner and Form as herein-before is directed, and to obtain a new Aſſignment from the Clerk of the Peace, or his Deputy, Town Clerk, or other Officer acting as Clerk of the Peace, purſuant to the Order of the Juſtices, and which ſaid Order the ſaid Juſtices are hereby required and empowered to direct, (on due Proof on Oath being made to them of the Death of ſuch former Aſſignee or Aſſignees, and Refuſal of his or their Heirs, Executors, Adminiſtrators, or Aſſigns, to act or meddle therein); and the ſaid Clerk of the Peace, or his Deputy, Town Clerk, or other Officer acting as Clerk of the Peace, are hereby empowered to obey the ſame, and execute ſuch Aſſignment accordingly, in Manner and Form as if no former Aſſignment had ever been made, the ſaid Aſſignee or Aſſignees, Clerk of the Peace, or his Deputy, Town Clerk, or other Officer acting as Clerk of the Peace, hereby conforming to all Orders and Directions made by this Act relative to them, or any of them, and to be liable to all ſuch Pains and Penalties as are inflicted on them, or any of them, by virtue of this Act, for Diſobedience in any Part thereof, or Neglect of Duty whatever; and in caſe any ſuch Aſſignee or Aſſignees ſhall die, and his Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall refuſe to act, that then and in ſuch Caſe it ſhall be lawful for ſuch Juſtices of the Peace to appoint a new Aſſignee or Aſſignees, with the like Powers and Authorities as are given by this Act; and the ſaid Juſtices ſhall have Power, in a ſummary Way, to oblige the Heirs, Executors, Adminiſtrators, and Aſſigns, of ſuch Aſſignee or Aſſignees, to account and deliver up all ſuch Eſtate and Effects as ſhall remain in his or their Hands, to be applied for the Purpoſes of this Act.

Courts at *Weſtminſter*, &c. on Complaint againſt Aſſignees, may remove them, &c.

LVI. And, to the Intent and Purpoſe that the Eſtate and Effects of ſuch Debtor or Debtors as ſhall be diſcharged by virtue of this Act may be duly 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 Seſſions in *Wales*, and the Counties Palatine of *Cheſter*, *Lancaſter*,

caſter, 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, or Counties Palatine aforeſaid, within their reſpective Juriſdictions, or any One of them, from Time to Time, upon the Petition of any ſuch Debtor, or the Creditor or Creditors of ſuch Debtor, complaining of any Inſufficiency, Fraud, Miſmanagement, or other Miſbehaviour, of any Aſſignee or Aſſignees of the Eſtate or Effects of any ſuch Debtor or Debtors, 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 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 Debtor, for the Benefit of the reſpective Creditors, as the ſaid Courts 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 Debtor or Debtors ſhall, from thenceforth, 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.

LVII. Provided always, and be it enacted by the Authority aforeſaid, That in all Caſes where mutual Credit hath been given between any Debtor who ſhall be diſcharged in purſuance of this Act, and any other Perſon or Perſons, or Body Politick or Corporate, before the Delivery of ſuch Schedule or Inventory of the Eſtate and Effects of ſuch Debtor or Debtors, upon Oath as aforeſaid, the reſpective Aſſignee or Aſſignees of ſuch Debtor or Debtors 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, Town Clerk, or other Officer acting as Clerk of the Peace, or ſuch Aſſignee or Aſſignees under ſuch Clerk of the Peace, Town Clerk, or other Officer acting as Clerk of the Peace, as the Eſtate or Effects of ſuch Debtor or Debtors, 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.

Priſoners for not paying Money awarded, as Coſts, &c. entitled to the Benefit of this Act.

LVIII. And whereas many Perſons are often committed by the Courts of Law and Equity for Contempts, for not paying Money ordered or awarded to be paid, and likewiſe for not paying of Coſts duly and regularly taxed and allowed by the proper Officer, after proper Demands made for that Purpoſe, and alſo upon the Writ of *Excommunicato Capiendo*, or other Proceſs for, or grounded on, the Nonpayment of Money, Coſts, or Expences, in ſome Cauſe or Proceeding in ſome Eccleſiaſtical Court, or for Contempt to ſuch Court relating thereto; it is hereby declared and enacted, That all ſuch Perſons are and ſhall be entitled to the Benefit of this Act, on and ſubject to the ſame Terms, Conditions,

ditions, and Reſtrictions, as are herein expreſſed and declared with reſpect to Priſoners for Debt only.

Priſoners on Proceſs of Courts of Conſcience entitled to the Benefit of the Act.

LIX. 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 entitled 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.

Quaker's Affirmation to be taken.

LX. 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.

Act not to extend to *Scotland*.

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

FINIS.