ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

CAP. CVIII.

An Act for the Relief of certain Insolvent Debtors. [21st *July* 1806.]

WHEREAS, notwithstanding the great Prejudice and Detriment which occasional Acts of Insolvency may produce to Trade and Credit, it may be convenient, in the present Condition of the Prisons and Gaols in this Kingdom, that some of the Prisoners who are now confined therein should be set at Liberty: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, all and every Keeper or Gaoler of any Prison, in any County, Riding, Division, City, Town, Place, or Liberty, within this Kingdom, shall, and 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 First Day of *February* One thousand eight hundred and six, was or were, or have since continued to be 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 Keeper or Keepers, Gaoler or Gaolers, of

Requiring Gaolers to make out Lists of Prisoners in their Custody.

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 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, together with the Amount of ſuch Debts as the ſaid Priſoner or Priſoners are detained for; 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, City, Diviſion, Town, Place, or Liberty reſpectively.

Keepers of Priſons to take an Oath when they deliver in Liſts.

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 Keeper and Gaoler of any other Priſon in any Place or Liberty, in this Kingdom, 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 Quarter Seſſion or General Seſſion of the Peace, or Adjournment thereof, to the Effect following; (that is to ſay),

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 and contained in the Firſt Part of the Liſt by me now delivered in and ſubſcribed, was or were, to the beſt of my Knowledge and Belief, upon the Firſt Day of *February* One thouſand eight hundred and ſix, really and truly Priſoners in actual Cuſtody, in the Priſon 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 Firſt Day of *February* One thouſand eight hundred and ſix, been committed or ſurrendered to the ſaid Priſon [*inſert the Name of the Priſon*] at the Suit or Suits of the ſeveral Perſon or Perſons therein reſpectively mentioned; and that the Perſon or Perſons whoſe Name or Names is or are therein contained, was and were, to the beſt of my Knowledge and Belief, really and truly Priſoners in actual Cuſtody on the ſaid Firſt Day of *February*, as appears by the Returns made to me on his and their reſpective Commitments.

'So help me GOD.'

Oath to be adminiſtered in open Court.

Which the ſaid Juſtices, at their 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 reſpectively, and other Keeper or Gaoler of any Priſon 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 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, Town Clerk, or other Officer acting as Clerk of the Peace, of every ſuch County, Riding, Diviſion, City,

Liſts to be kept by the Clerk of the Peace, and examined gratis.

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, or Priſoner or Priſoners, without Fee or Reward.

Copies of Liſts to be fixed up in Priſons before Delivery to the Seſſions.

III. And be it further enacted, by the Authority aforeſaid, That all and every Keeper or Gaoler, Keepers or Gaolers, of any ſuch Priſon or Gaol, 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 the paſſing of this Act, for the County, Riding, City, Diviſion, Town, Place, or Liberty, in which any Priſon or Gaol ſhall be, or to which the ſame ſhall belong, to fix up in ſome conſpicuous Place or Places in every ſuch Priſon or Gaol, and at the moſt frequented and uſual Gate, Door, or Entrance, into every ſuch Priſon or Gaol, Three or more true Copies of the Liſt or Liſts propoſed or intended to be delivered in by any ſuch Keeper or Gaoler at the ſaid General Quarter Seſſions, or at ſome Adjournment thereof.

Priſoners for what Sum to be diſcharged.

IV. And be it further enacted, That all and every Perſon and Perſons who, on the Firſt Day of *February* One thouſand eight hundred and ſix, were charged in any Priſon or Gaol for the Nonpayment of any Debt or Debts, Sum or Sums of Money, which did not in the Whole amount to a greater Sum than One thouſand five hundred Pounds, and whoſe Name or Names ſhall be inſerted in any ſuch Liſt to be delivered in as aforeſaid, taking the Oaths hereby directed to be taken, and who ſhall perform, on his or her Part, what is required to be done by him or her by this Act, ſhall, as to his Perſon and Effects reſpectively, be for ever releaſed, diſcharged, and exonerated, to ſuch Extent and in ſuch Manner as is herein-after provided, and no otherwiſe.

Juſtices may, on Priſoners delivering Schedules, iſſue Warrants to bring them to the Quarter Seſſions.

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 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 under their Hands and Seals, to require the Sheriff or Sheriffs, Keepers or Gaolers 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

with in any Prison or Gaol as aforesaid, at the Time aforesaid; for which Copy or Copies of such Cause or Causes, such Prisoner shall apply to the said Keeper or Gaoler 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 Appearance; which Warrant of every Justice or Justices, every such Sheriff and Sheriffs, Keeper or Gaoler is and are hereby commanded to obey.

For holding a Special Session.

VI. And whereas considerable Time may intervene between the passing of this Act and the next General Quarter Session or General Session of the Peace, which would be the Means of detaining in Prison a Number of Persons who, with their Families, are in the greatest Distress; be it further enacted, That it shall and may be lawful for any Two or more of the Justices of the Peace for any County, Riding, Division, City, Town, Place, or Liberty, upon Petition from Debtors as aforesaid, to assemble their respective Courts as soon as may be after passing this Act, for the Purpose of administering the Oaths, and other the Matters required by this Act, and to appoint such Day or Days for the Discharge of Prisoners as they shall see proper.

Schedules to remain with the Clerk of the Peace.

VII. And be it further enacted, That the Copy of every such Schedule which shall be left or delivered in as aforesaid, shall be and remain with 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, 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.

Debtors intending to apply for Discharge, to give Notice in the Gazette.

VIII. And be it further enacted, That all and every Debtor and Debtors confined in any Gaol of that Part of the United Kingdom called *England* or *Wales*, 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 such Gaol out of *London* or the Weekly Bills of Mortality, or shall have moved himself by Habeas Corpus from one Gaol to another, 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 or have been so in Custody; and in like Manner all and every Debtor and Debtors confined in any Gaol of that Part of the United Kingdom called *Ireland*, who shall intend to apply to be discharged and exonerated under this Act, shall first cause Publick Notice to be inserted in Three several *Dublin 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 *Dublin*, or the County of *Dublin*, or shall have moved himself by Habeas Corpus from one Gaol to another, then also in some Newspaper in or near the County, City, Town, or Liberty, in the Gaol whereof he or she shall be or have been so in Custody; containing the Name, Trade, Occupation, and Description, 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

tention to take the Benefit of this Act, and mentioning such Notice in such Gazette or Newspaper respectively, to be the First, Second, or Third Notice, according to the Time of publishing each of such Notices; for the inserting each of the said Notices in the *London* or *Dublin Gazette*, or in any other Newspaper, there shall be paid each Time, by every Prisoner, the Sum of Four-pence and no more; the First of which said Notices shall be so inserted in the said Gazettes respectively, and in the said other Newspapers, as the Case may require, Twenty-one Days, at the least; and the last of the said Notices Six Days at the 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 is directed) is lodged in the Hands of the Keeper or Gaoler, or the Deputy of such Keeper or Gaoler, 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 Keeper or Gaoler, or Deputy, as the Case may be, before he shall publish such First Notice as aforesaid, signed with his or her own Christian and Surname, to be attested by any such Keeper, Gaoler, or Deputy; and in case any Debtor shall neglect or refuse to deliver One such Schedule to such Keeper, Gaoler, 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 until he or she shall have complied with the Directions aforesaid; and every such Keeper, Gaoler, 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 Acknowledgement 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 Keeper, Gaoler, or Deputy, shall neglect or refuse to conform to the Directions hereby given him respecting such Schedule, every such Keeper, Gaoler, or Deputy, so offending, shall be punished.

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; that is to say,

Form of Notice.

'I [*insert the Name, Trade, Occupation, and Deſcription, and the 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 Firſt Day of *February* One thouſand eight hundred and ſix, with any Debt or Debts, Sum or Sums of Money, exceeding in the Whole the Sum of One thouſand five hundred Pounds, do hereby give this, [Firſt, Second, *or* Third,] publick Notice, that I intend to take the Benefit of an Act, paſſed in the Forty-ſixth Year of His preſent Majeſty's Reign, intituled, [*here ſet forth the Title of this Act, 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 to the Keeper or Gaoler, or his Deputy, of the ſaid Priſon.'

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

Debtors proving that Notices have been given, ſhall, in open Court, deliver in certain Schedules, and take an Oath.

XI. And be it further enacted, That every ſuch Debtor as aforeſaid, not being charged as aforeſaid, on the ſaid Firſt Day of *February* One thouſand eight hundred and ſix, with any Debt or Debts, Sum or Sums of Money, in the Whole to a greater Amount than the Sum of One thouſand five hundred 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 reſpectively before mentioned, to the ſaid Juſtices at any ſuch Seſſion, or the Adjournment thereof, that ſuch Notices were inſerted in the *London* and *Dublin Gazettes*, and other Newſpapers reſpectively, as were required in Manner aforeſaid, and that the Perſon or Perſons ſo applying was or were actually a Priſoner or Priſoners on the Firſt Day of *February* One thouſand eight hundred and ſix, in the Priſon or Gaol in which his, her, or their Name or Names is or are ſpecified in the Liſt delivered in at ſuch Firſt or Second Seſſion, or any Adjournment thereof, or in ſome other Priſon or Gaol as aforeſaid, in purſuance of this Act, and 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 of any other Nature and Kind whatſoever, 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, her, or their Poſſeſſion, Cuſtody, or Power, or which he, ſhe, or they, or ſuch Perſon or Perſons had any Power of diſpoſing of or charging for his, her, or their Benefit or Advantage, 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, Speciality, 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

to the following Effect, according to the ſpecial Circumſtances, ſo far as the ſame ſhall be conſiſtent with the Proviſions herein-after contained; (that is to ſay),

'I *A. B.* upon my corporal Oath, in the Preſence of Almighty God, do ſolemnly ſwear, proteſt, and declare, That on the Firſt Day of *February* One thouſand eight hundred and ſix, 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 Keeper or Gaoler of the ſaid Priſon of [*or mentioning ſome other Priſon, as the Caſe may be*], 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, and of every other Nature and Kind whatſoever, 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, Cuſtody, or Power, or in the Poſſeſſion, Cuſtody, or Power of any ſuch Perſon as aforeſaid, or which I or ſuch Perſon had any Power of diſpoſing of or charging for my Benefit or Advantage, at any Time ſince my Commitment to Priſon, and of all Debts 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 my Uſe, have any Lands, Money, Stock, or any Eſtate, Real or Perſonal, in Poſſeſſion, Reverſion, Remainder, or Expectancy, or of any Nature or Kind ſoever, or Power of diſpoſing of, or charging for my Benefit or Advantage, 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 Perſon 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 Eſtates, Real or Perſonal, whereby to ſecure the ſame, or to receive or expect any Profit or Advantage therefrom, or with an Intent to defraud or deceive any Creditor or Creditors to whom I am or was indebted in anywiſe howſoever.

Oath.

'So help me GOD.'

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

Schedule and Oath to be ſubſcribed by the Debtor.

hereby 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 the Creditor may examine Gaolers on Oath.

XII. And be it further enacted, That the Juſtices of the 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, or any other Under Officer, Tipſtaff, and Turnkey of any Priſon or Gaol, 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, or any Adjournment thereof, ſhall be ſatisfied with the Truth of the Oath taken by 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, Keeper or Keepers, Gaoler or Gaolers, of ſuch Priſon or Priſons, forthwith to ſet at Liberty ſuch Priſoner or Priſoners; and every ſuch Order ſhall be a ſufficient Diſcharge to the Sheriff or Sheriffs, Keeper or Keepers, Gaoler or Gaolers, of ſuch Priſon or Priſons, and ſhall indemnify him or them againſt any Eſcape or Eſcapes, Action or Actions whatſoever for Eſcape, which ſhall or may be brought, commenced, or proſecuted, againſt him or them.

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

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 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 the 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 every 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 Perſon or Perſons who ſhall reſpectively be indebted to ſuch Debtor as may be requiſite; and every ſuch Aſſignee or Aſſignees ſhall, with all convenient Speed, after his or their accepting 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 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 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 Priſon reſided in *London*, or in the Weekly Bills of Mortality, or if in *Dublin*, or the County of *Dublin*, in the *Dublin Gazette*, or in ſome Daily Paper printed and publiſhed at *Dublin*, 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 dwelled before he or ſhe was committed to Priſon, 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 fair and juſt 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 Debt; 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, or Diviſion, Town, Liberty, or Place, in which any ſuch Debtor ſhall have been diſcharged, that every ſuch Account contains a fair and juſt 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 bonâ 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 hereinbefore 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

Aſſignees to get in Debtor's Effects,

and to make Dividends.

Notice of making Dividends to be given.

of his Debt by Oath, or due Proof, in Writing, before ſome ſuch 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, or ſome Adjournment thereof, 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.

Surplus Effects to be given to the Debtor.

Creditors for Annuities payable at any future Time, to receive Dividends as under a Commiſſion of Bankruptcy.

XIV. Provided always, and be it further enacted, That all and every Creditor and Creditors of any Debtor who ſhall be diſcharged by virtue of this Act, for any Sum or Sums of Money payable by way of Annuity, or otherwiſe, at any future Time or Times, by virtue of any Bond, Covenants, or other Securities of any Nature whatever, may be and ſhall be entitled to be admitted a Creditor or Creditors, and may and ſhall be entitled to receive a Dividend or Dividends of the Eſtate of ſuch Debtor, in ſuch Manner, and upon ſuch Terms and Conditions, as ſuch Creditor or Creditors would have been entitled unto by the Laws now in force if ſuch Debtor had become Bankrupt, and without Prejudice in future to their reſpective Securities, otherwiſe than as the ſame would have been affected by a Proof made in reſpect thereof by the Creditor under a Commiſſion of Bankrupt, and a Certificate obtained by the Bankrupt under ſuch Commiſſion.

Powers of the Clerk of the Peace for the County of Lancaſter to extend to his Deputies.

XV. 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 of *Lancaſter* 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 Conveyances and Aſſignments 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, and performed, by the Clerk of the Peace of the ſaid County Palatine of *Lancaſter* for the Time being.

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

XVI. 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 or entitled unto at the Time of making ſuch Schedule, ſhall be deemed and taken to be 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.

Holders of Securities without Conſideration not entitled to any Benefit.

XVII. Provided always, and be it enacted, That no Perſon holding any Security whatſoever, for which ſuch Debtor never received any valuable Conſideration, ſhall be entitled to receive any Benefit from the Eſtate of ſuch Debtor, unleſs the Perſon holding ſuch Security ſhall make it appear, to the Satisfaction of the Juſtices at ſome General or Quarter Seſſion, or Adjournment thereof, that he or ſhe became poſſeſſed of the ſame bonâ fide and for good or valuable Conſideration.

Eſtates to veſt in the Clerk of the Peace for the Time being.

XVIII. 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 without Conſent of the Majority of the Creditors.

XIX. 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, at leaſt Ten Days before ſuch Meeting, in the *London Gazette*, or other Newſpaper which ſhall be publiſhed in the Neighbourhood of the laſt Reſidence of ſuch Debtor or Debtors for that Purpoſe.

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

XX. 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, for 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 ſhall be left, and his Succeſſors, Clerks 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 true 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 ſame ſhall be, or his Deputy, purporting the ſame to be a true Copy of ſuch Schedule, without being wrote on ſtamped Paper, ſhall, at all Times, be admitted

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, or ſhall refuſe to make and deliver a Copy of any ſuch Schedule on being requeſted as aforeſaid ſo to make the ſame, ſhall for every ſuch Offence pay the Sum of Twenty Pounds to any Perſon who ſhall recover and ſue for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter* or *Dublin* reſpectively, as the Caſe may be, by Action of Debt.

Aſſignees to compound with Lords of Manors for Copyhold Eſtates.

XXI. 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 made, 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, ſhall admit ſuch Aſſignee or Aſſignees, Tenant or Tenants, to ſuch Copyhold or Cuſtomary Eſtate, according to the Cuſtom of the ſaid Manor or Manors, of which the ſame ſhall be holden, and for and during ſuch Eſtate and Intereſt as the ſaid Debtor had therein at the Time of his or her being diſcharged as aforeſaid, reſerving the Rents, Duties, Heriots, Cuſtoms and Services, paying and to be rendered in reſpect of the ſaid Copyhold or Cuſtomary Eſtate.

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

XXII. Provided alſo, That nothing herein contained ſhall extend to prejudice or affect any Eſtate or Intereſt, or Right whatſoever, of any 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.

Mortgages to take place of Claims of an inferior Nature.

XXIII. 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, Charges or Liens, upon the Eſtate of ſuch Debtor or Debtors, or any Part thereof, to take place upon the Lands, Tenements, or Hereditaments, or Perſonal Eſtate or Effects, compriſed in, or charged or affected by ſuch Mortgage or Mortgages, Charges or Liens 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 Debtor 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, Charge, Lien, Statute, Recognizance, or Judgement reſpectively, in like Manner as ſuch Mortgagees and Perſons, having ſuch Charges or Liens, 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, &c. veſted in the Aſſignees.

XXIV. 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; or have Powers over Real or Perſonal Eſtate, which ſuch Debtors could execute for their own Advantage, and 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, and all other ſuch Powers as aforeſaid, over Real or Perſonal Eſtate, 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.

The acting Gaoler at the Time of delivering Liſts to take the Oaths.

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

Gaoler on Requeſt of Creditor to be ſworn.

XXVI. 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 ſuch 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 Keeper or Gaoler of any ſuch Priſon or Gaol, at the Time of bringing up any ſuch Priſoner, in order to be diſcharged under this Act, an Oath to the Effect following; (that is to ſay),

Oath.

'I do ſwear, That was really and truly a Priſoner in my Cuſtody, in the Priſon of [*or*, in Cuſtody in ſome other Priſon, *as the Caſe may be*] to the beſt of my Knowledge and Belief, at or upon the Firſt Day of *February* One thouſand eight hundred and ſix, 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 the ſaid Court, is or are a true Copy or Copies of the Cauſe or Cauſes of ſuch Commitment or Detainer, without any Fraud, or Deceit by me, or any other Perſon whatſoever, to the beſt of my Knowledge and Belief.

'So help me GOD.'

If the Perſon delivering in Liſt was not Gaoler on February 1ſt, 1806, he ſhall take the following Oath.

And if any Perſon who was a Keeper or Gaoler, or deputed Keeper or Gaoler, of any ſuch Priſon or Gaol, on the ſaid Firſt Day of *February* One thouſand eight hundred and ſix, or ſince, ſhall not happen to be the Keeper or Gaoler, or deputed Keeper or Gaoler, of any ſuch Priſon or Gaol 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 Keeper or Gaoler, or deputed Keeper or Gaoler, of any ſuch Priſon or Gaol, 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 or Gaol, to the Effect following; (that is to ſay),

Oath.

'I 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], 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 Firſt Day of *February* One thouſand eight hundred and ſix, really and truly a Priſoner in the actual Cuſtody of the then Keeper or Gaoler, or Deputy Keeper or Gaoler, of the ſaid Priſon or Gaol, [*or* other Priſon, *as the Caſe may be*], without Fraud or Deceit by me, or any other Perſon or Perſons, to my Knowledge and Belief.

'So help me GOD.'

At the Requeſt of Creditors, Gaolers may be examined on Oath at the Seſſions, touching Commitments.

XXVII. And, in order to diſcover any fraudulent Entries or Commitments of Priſoners in any Priſon or 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 Keeper or Gaoler, or deputed Keeper or Gaoler, of any Priſon or Gaol within their reſpective Juriſdictions, on the ſaid Firſt Day of *February* One thouſand eight hundred and ſix, or at any Time ſince; and to examine every ſuch Keeper or Gaoler, or deputed Keeper or Gaoler, 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

shall think fit; and if any Sheriff, Keeper or Gaoler, or deputed Keeper or Gaoler shall neglect or refuse to bring before any 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 Keeper or Gaoler 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, pay the Sum of Ten Pounds to any Person who shall recover and sue for the same in any of His Majesty's Courts of Record at *Westminster* or *Dublin* respectively, as the Case may be, by Action of Debt.

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

XXVIII. And be it further enacted by the Authority aforesaid, That if any Keeper or Gaoler 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 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 Prison or Gaol, on the said First Day of *February* One thousand eight hundred and six, or since, or shall neglect or refuse to make out, fix up, or deliver, such Lists as aforesaid; or if any Keeper or Gaoler, or deputed Keeper or Gaoler, 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 *Dublin Gazette* respectively, 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 Keeper and Gaoler of such Prison or Prisons, his Deputy or Deputies, and every such Printer as aforesaid, shall respectively forfeit and pay to each Prisoner in every 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 said Courts of Record at *Westminster* or *Dublin*, as the Case may be, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed.

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

XXIX. And be it further enacted by the Authority aforesaid, That if any Keeper or Keepers, Gaoler or Gaolers, or any Deputy Keeper or Gaoler, of any Prison, shall, in taking of the afore-mentioned Oaths, forswear and perjure themselves, and shall thereof be lawfully convicted, such Keeper or Gaoler, or deputed Keeper or Gaoler, of such Prison or Prisons, shall (over and above the Penalties to be inflicted on Persons convicted of Perjury) upon every such Conviction, forfeit and pay the Sum of Five hundred Pounds, with full Costs, by Bill, Plaint, or Information, or Action of Debt, in any of His Majesty's Courts of Record at *Westminster* or *Dublin* respectively, as the Case may be, wherein no Essoign, Protection, or Wager of Law, shall be allowed, by and in the

Punishing Gaolers for Perjury.

Name of such Person or Persons, his and their Executors and Administrators, to whom an 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 Creditor or Creditors.

Penalty on Clerk of the Peace not giving Copies of Adjudication of Discharges.

XXX. 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 Prisoner, 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 Two Shillings and Sixpence for such Copy, or shall take more than One Shilling for an Assignment or Conveyance of such Prisoner's Estate and 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 such General or Quarter Sessions of the Peace, or Adjournment thereof, shall order, and who are hereby empowered 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 falsely swearing shall suffer as for wilful Perjury.

XXXI. 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 not liable to be imprisoned for Debts prior to 1st February 1806.

XXXII. 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 Non-payment of Money, Costs, Sum or Sums of Money contracted, incurred, occasioned, owing or growing due, before the said First Day of *February* One thousand eight hundred and six; 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 the 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 empowered so to do on such Prisoner's causing a Common Appearance to be entered for him on every such Action or Suit.

XXXIII. And

XXXIII. 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 First Day of *February* One thousand eight hundred and six; and if it shall appear to the Justices, at 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 said First Day of *February* One thousand eight hundred and six, 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 First Day of *February* One thousand eight hundred and six, 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 which he or she stands charged with in his Custody, incurred subsequent to the said First Day of *February* One thousand eight hundred and six.

Prisoners not discharged of Debts subsequent to February 1st, 1806.

XXXIV. And be it further enacted by the Authority aforesaid, That in case any Person, being a Prisoner, charged in Execution on the said First Day of *February* One thousand eight hundred and six, 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, or such other Allowance as by Law is directed to be paid in such Case, 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 or Consent, subsequent to the said First Day of *February* One thousand eight hundred and six, 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.

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

XXXV. 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, Keeper or Gaoler 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.

Act may be pleaded to any Action of Escape, &c.

XXXVI. 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

Act may be pleaded generally by Prisoners.

upon any Judgement obtained againſt any ſuch Priſoner, or on any Statute or Recognizance acknowledged by him or her, before the ſaid Firſt Day of *February* One thouſand eight hundred and ſix, with reſpect to Priſoners in actual Cuſtody, on the ſaid Firſt Day of *February* One thouſand eight hundred and ſix, it ſhall and may be lawful for any ſuch Priſoner, his or her Heirs, Executors or Adminiſtrators, to plead generally that ſuch Priſoner was actually a Priſoner in ſuch Priſon or in ſome other Priſon, at ſuch a Perſon's Suit on the Firſt Day of *February* One thouſand eight hundred and ſix, 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 Firſt Day of *February* One thouſand eight hundred and ſix, 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 Firſt Day of *February* One thouſand eight hundred and ſix, 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.

Act not to extend to Attornies or Servants embezzling Money.

XXXVII. 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 other Perſon or Perſons employed or entruſted as ſuch, with regard to any Debt or Demand with which he, ſhe, or they ſhall ſtand charged for or 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.

Nor to Perſons obtaining Money on falſe Pretences.

XXXVIII. 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, Merchandizes, Bonds, Bills of Exchange, Promiſſory 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, Merchandize, Bonds, Bills of Exchange Promiſſory 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 Seſſions 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.

Nor to Priſoners remanded to Priſon under any Inſolvent Act, for fraudulently obtaining Money, &c.

XXXIX. Provided always, That no Priſoner who ſhall have been remanded to Priſon under any Act heretofore paſſed for the Relief of Inſolvent Debtors, for having fraudulently obtained Money, Goods, or Securities for Money on falſe Pretences, or for having ſecretly or fraudulently removed Stock, Cattle, or other Effects, which were ſubject or liable to be detained for Rent, or who ſhall have loſt or forfeited the Benefit of any ſuch former Act by having made any fraudulent Sale, Transfer, Conveyance, or Aſſignment, ſince his or her Impriſonment, to the Prejudice of the fair and honeſt Creditor, or who ſhall have obtained a Diſcharge under ſuch former Act fraudulently, or ſhall have taken an Oath under ſuch Act, any Part of which was not true, ſhall have or receive any Benefit or Diſcharge by or under this Act; but the Juſtices at any General or other Seſſion of the Peace, or any Adjournment thereof, before whom any ſuch Priſoner 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 which he or ſhe ſhall have been brought; any Thing herein contained to the contrary notwithſtanding.

Nor to Perſons charged in Execution for Damages recovered in any Action for Criminal Converſation, &c.

XL. Provided alſo, That no Perſon charged in Execution for Damages recovered in any Action for Criminal Converſation with the Wife of the Plaintiff in ſuch Action, or in any Action for ſeducing or carnally knowing the Daughter or Female Servant of the Plaintiff, or in any Action for a malicious Proſecution, or in any Action for any other malicious Injury, ſhall have any Benefit under this Act, except only in Caſes where the Plaintiff in ſuch Actions reſpectively ſhall be dead, and no Perſon ſhall have obtained Probate of the Will or Letters of Adminiſtration of the Effects of ſuch Plaintiff within Twelve Months after the Deceaſe of ſuch Plaintiff.

Nor to Perſons removing Effects, of the Value of Twenty Pounds, liable to be diſtrained for Rent.

XLI. And whereas many Debtors for Rents of Lands, Meſſuages, Houſes, and other Premiſes, have, with 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, any ſuch Stock, Cattle, Furniture, Goods, or Effects, of the Value of Twenty Pounds or upwards, which were ſubject or 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

as aforesaid, be remanded in Manner herein-before mentioned; any Thing herein-before contained to the contrary notwithstanding.

Nor to Persons selling or assigning Effects to defraud Creditors.

XLII. 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.

Penalty on Gaolers not permitting Prisoners to be spoken with, or Entry in the Books of the Prison to be seen.

XLIII. 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 before-mentioned List or Lists, or the *London* or *Dublin Gazette*, or other Newspapers, or any of them, and also to 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 refuse or neglect to comply with what is hereby 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* or *Dublin*, as the Case may be, wherein no Essoign, 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.

Penalty on Gaoler for making false Entries.

XLIV. 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

covered 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* or *Dublin*, as the Caſe may be, wherein no Eſſoign, Protection, 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 excluded the Benefit of this Act.

XLV. 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, ſhall refuſe to come, 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 for York and Lincoln may hold a Seſſion near to the County Gaol.

XLVI. 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 of which have ſeveral Commiſſions of the Peace; and if the Gaoler of theſe Gaols be obliged to carry the Debtors, Priſoners therein, to the Quarter Seſſion of ſuch Riding or Diviſion, the ſame will be a very great Charge, not only to ſuch Gaoler, but alſo to the Priſoners, in theſe 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 hold an adjourned Seſſion.

XLVII. And whereas the Diſtrict or Diviſion 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 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 Seſſions 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 Diſ-

charge 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 or to the Sessions House in Horsemonger Lane.

XLVIII. 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 County, 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 passing of this Act, and they are hereby required forthwith to adjourn the said Sessions to the Borough of *Southwark*, or to the Sessions House in *Horsemonger Lane*, in the Parish of *Newington*, in the said County of *Surrey*, 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 Prison Fees to be discharged.

XLIX. And be it further enacted by the Authority aforesaid, That all Debtors and others, who were in Prison on or before the said First Day of *February* One thousand eight hundred and six in any of the Gaols of this Kingdom, and now remain there for not paying their Fees, Rents, or other Demands, due or claimed as due, to the Keeper or Keepers 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 of the Crown, or Offenders against the Revenue Laws.

L. 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 of any Person for any Offence committed against any Act or Acts of Parliament relative to His Majesty's Revenues of Customs, Excise, Stamps, or Salt Duties, or any of them, or any Branches of the Public Revenue, or at the Suit of any Sheriff or other Public 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 said Revenues of Customs, Excise, Stamps or Salt Duties, or any other Branches of Public Revenue, unless any Three of the Lords Commissioners of His Majesty's Treasury for the Time being shall certify their Consent under their Hands to the said Justices at their said Sessions, or Adjournment thereof, for the Discharge of such Prisoner as aforesaid.

Determination of Justices to be final, unless the Debtor gets rid of the Objections to his Discharge.

LI. And whereas, under former Acts, Creditors have been put to great Expence 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

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 some one subsequent Session within the Space of Twelve Calendar Months after he shall have been so remanded, upon Application from the Prisoner, and due Proof on Oath made to them by Two or more credible Witnesses (which Oath they are hereby empowered to administer, of such Objection or Objections being removed, and on Proof of Notice served, at least Twenty Days previous to such Application, on the Creditor or Creditors who before opposed his Discharge, and of Notice likewise inserted in the *London* or *Dublin 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 to be 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.

Estates of which Prisoners are seised in Tail to be delivered up to their Creditors.

LII. 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 thereon 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, and 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 such 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 further Examination of Debtors to Two Justices.

LIII. And whereas many Persons who may be entitled to and claim the Benefit of this Act, have been great Dealers, or otherwise engaged in large Transactions, whereby they 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, or other Incumbrances, or to Reversions, Remainders or other contingent Estates, 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 and Assistance to adjust, make out, recover or manage, for the Benefit of his Creditors; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful

lawful to and for the reſpective Aſſignees of the Eſtate and Effects of ſuch Debtor or Debtors, 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 Debtor or Debtors ſhall be then reſiding, thereby deſiring that ſuch Debtor or Debtors 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 Debtor or Debtors, by ſuch Warrant, Summons, Ways or Means, as they ſhall think fit; and upon ſuch Debtor'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 Debtor or Debtors; and if any Debtor or Debtors (on Payment or Tender of Payment, of ſuch reaſonable Charges as ſuch Juſtices ſhall judge ſufficient) ſhall neglect or refuſe to come or 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, Town Clerk or other Officer acting as Clerk of the Peace, or ſuch Aſſignees as aforeſaid, then it ſhall and may be lawful to and for ſuch Juſtices, by Warrant under their Hands and Seals, to apprehend ſuch Debtor or Debtors 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 aforeſaid.

Fraudulent Diſcharges void.

LIV. 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.

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

LV. 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 choſen in purſuance of this Act, by and with the Conſent of the major Part in Value of the Creditors of ſuch Debtor or Debtors, who ſhall be preſent at a Meeting to be had on Twenty-one Days 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 ſuch Perſon or Perſons ſhall have been in Gaol; and if in Cuſtody at *Dublin*, or in the County of *Dublin*, in the *Dublin Gazette*; and if in any other Place in that Part of the United Kingdom called *Ireland*, then alſo in ſome Newſpaper which ſhall be publiſhed in the County, City, or Place in or near which ſuch Perſon or Perſons ſhall have been in Gaol, to make Compoſitions to any Perſon or Perſons, or Accountants to ſuch Debtor or Debtors, where the ſame ſhall appear neceſſary or reaſonable, and to take ſuch reaſonable Part of

of any such Debt as can upon any 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 the Estate or Effects, of such Debtor or Debtors, 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 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 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.

Penalty on Persons concealing Debtors Estates.

LVI. And, for the better Discovery of the Estate and Effects of any Debtor who shall be discharged by virtue of this Act, be it further 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 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 Debtor'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 or for the Use of the Creditors of any such Debtor; to be recovered by Action of Debt in any of His Majesty's Courts of Record at *Westminster* or *Dublin*, as the Case may be, in the Name or Names of the Assignee or Assignees of such Debtor's Estate, together with Treble Costs of Suit.

If Assignees die, others may be chosen.

LVII. 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

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 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 on Complaint may remove Aſſignees.

LVIII. 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 *Dublin*, and the Courts of Great Seſſions in *Wales*, and the Counties Palatine of *Cheſter*, *Lancaſter*, and *Durham* reſpectively, and the Courts of limited Juriſdiction in that Part of the United Kingdom called *Ireland*, from whence any Proceſs iſſued, upon which any ſuch Debtor or Debtors 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, and for the prudent, juſt, and 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 choſen as aforeſaid; any Thing in this Act contained to the contrary notwithſtanding.

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

LIX. 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 Bodies Corporate or Politick, 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, or Town Clerk, or other Officer acting as Clerk of the Peace, or such Assignee or Assignees as aforesaid, 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.

Persons for not paying Monies awarded Costs, &c. entitled to the Benefit of this Act.

LX. 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 also 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 Non-payment of Money, Cost, 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 and Restrictions, as are herein expressed and declared with respect to Prisoners for Debt only.

Persons imprisoned by Courts of Conscience entitled to the Benefit of this Act.

LXI. 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.

No Persons having taken the Benefit of an Insolvent Act within Five Years to be entitled to Relief under this Act.

LXII. Provided always, and be it further enacted, That no Person who shall have taken the Benefit of any Act heretofore passed for the Relief of Insolvent Debtors within the Space of Five Years last past, shall have or receive any Benefit or Advantage of or under this Act, nor 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 thereof notwithstanding.

Affirmation of Quakers to be taken.

LXIII. 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 Affirmation, 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.

Future Estate of Persons discharged under this Act to be liable for their Debts.

LXIV. And be it further enacted, That nothing herein contained shall be deemed or taken to discharge the future Estate or Effects Real or Personal of any Person or Persons discharged under this Act, whether such Person or Persons shall or shall not have been charged in Execution of or from the Payment of any Debts, Damages, Costs, Sum or Sums of Money,

ney, due, owing, or demandable from any ſuch Perſon or Perſons, or in reſpect of which any ſuch Perſon or Perſons was or were in Cuſtody; and all and every Perſon or Perſons entitled to receive or be paid any ſuch Debt, Damages, Coſts, Sum or Sums of Money, ſhall have all ſuch and the like Remedies in Law or Equity againſt ſuch future Eſtate and Effects, other than and except the neceſſary Apparel and Bedding of ſuch Perſon or Perſons and their Family, and the neceſſary Tools for his, her, or their Trade and Occupation, not exceeding the Value of Fifteen Pounds, but not againſt the Perſon of the Party for Payment thereof, as he, ſhe, or they might have had if this Act had not been made; and in any Caſe in which the Payment or Recovery of ſuch Demands or Sums of Money could before the paſſing of this Act have been enforced only by Commitment, either on the Ground of Contempt or otherwiſe, of the Perſons liable thereto, the Party intereſted therein ſhall be and is hereby enabled to ſue the Perſon or Perſons who ought to have paid the ſame, for what ſhall remain unſatisfied thereof, in like Manner as if the Sum remaining unſatisfied had been Money lent and advanced by, or Money had and received for the Uſe of the Perſon having ſuch Demand, but ſhall be entitled to recover, or have Execution out of or againſt ſuch future Eſtate and Effects only, and ſhall not be entitled to arreſt or take in Execution the Party againſt whom ſuch Demand ſhall be enforced.

Act not to extend to Scotland.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1806.