Anno triceſimo ſecundo

Georgii II. Regis.

An Act for Relief of Debtors with reſpect to the Impriſonment of their Perſons; and to oblige Debtors, who ſhall continue in Execution in Priſon beyond a certain Time, and for Sums not exceeding what are mentioned in the Act, to make Diſcovery of, and deliver upon Oath, their Eſtates for their Creditors Benefit.

WHEREAS many Perſons ſuffer by the Oppreſſion of inferior Officers in the Execution of Proceſs for Debt, and the Exaction of Jaylors to whom ſuch Debtors are committed: For Remedy whereof, it may be reaſonable not only to enforce the Execution of the Laws now in Being againſt ſuch Oppreſſions and Exactions, more eſpecially ſeveral Clauſes in a Statute made at a Parliament held in the Twenty ſecond and Twenty third Years of the Reign of King Charles the Second (intituled, An Act for the Relief and Releaſe of poor diſtreſſed Priſoners for Debt) but likewiſe to make ſome further Proviſions for the Eaſe and Relief of Debtors who ſhall be willing to ſatisfy their Creditors Preamble.

Act 22 & 23 Car. II.

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Creditors to the utmost of their Power; 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 no Sheriff, Under Sheriff, Bailiff, Serjeant at Mace, or other Officer or Minister whatsoever, shall at any Time or Times hereafter convey or carry, or cause to be conveyed or carried, any Person or Persons by him or them arrested, or being in his or their Custody by virtue or colour of any Action, Writ, Process, or Attachment, to any Tavern, Ale-house, or other Publick Victualling or Drinking House, or to the Private House of any such Officer or Minister, or of any Tenant or Relation of his, without the free and voluntary Consent of the Person or Persons so arrested or in Custody; nor charge any such Person or Persons with any Sum of Money for any Wine, Beer, Ale, Victuals, Tobacco, or any other Liquor or Things whatsoever, save what he, she, or they, shall call for of his, her, or their own free Accord; nor shall cause or procure him, her, or them, to call or pay for any such Liquor or Things, except what he, she, or they, shall particularly and freely ask for; nor shall demand, take, or receive, or cause to be demanded, taken, or received, directly or indirectly, any other or greater Sum or Sums of Money than is or shall be by Law allowed to be taken or demanded for any Arrest or Taking, or for detaining, or waiting till the Person or Persons so arrested or in Custody shall have given an Appearance or Bail, as the Case shall require, or agreed with the Person or Persons at whose Suit or Prosecution he, she, or they, shall be taken or arrested, or until he, she, or they, shall be sent to the proper Gaol belonging to the County, Riding, Division, City, Town, or Place, where such Arrest or Taking shall be; nor shall exact or take any Reward, Gratuity, or Money, for keeping the Person or Persons so arrested or in Custody out of Gaol or Prison; nor shall carry any such Person to any Gaol or Prison within Four and twenty Hours from the Time of such Arrest, unless such Person or Persons, so arrested, shall refuse to be carried to some safe and convenient Dwelling House of his, her, or their own Nomination or Appointment, within a City, Borough, Corporation, or Market Town, in case such Person or Persons shall be there arrested; or within Three Miles from the Place where such Arrest shall be made, if the same shall be made out of any City, Borough, Corporation, or Market Town, so as such Dwelling House be not the House of the Person arrested, and be within the County, Riding, Division, or Liberty, in

Officer may not carry his Prisoner to any Tavern or other Publick House, without his Consent;

nor charge him for Liquor or other Things, other than such as he shall freely and particularly call for;

nor demand for Caption or Attendance, any other than his legal Fee;

nor exact any Gratuity Money;

nor carry his Prisoner to Gaol within 24 Hours after his Arrest, unless he shall refuse to be carried to some safe House of his own Appointment within some City or Town, if arrested there, or within 3 Miles thereof.

which the Person under Arrest was arrested; and, then, and in any such Case, it shall be lawful to and for any such Sheriff, or other Officer or Minister, to convey or carry the Person or Persons so arrested, and refusing to be carried to such safe and convenient Dwelling House as aforesaid, to such Gaol or Prison as he, she, or they, may be sent to, by virtue of the Action, Writ, or Process, against him, her, or them.

Nor may Officer take for the Lodging, Diet, and other Expences of such Prisoner, more than shall be allowed, in such Cases, by an Order of the Justices in their General or Quarter Sessions,

And be it further enacted by the Authority aforesaid, That no Sheriff, Under Sheriff, Bailiff, Serjeant at Mace, or other Officer or Person, shall, at any Time or Times hereafter, take or receive any other or greater Sum or Sums for One or more Nights Lodging, or for a Day's Diet, or other Expences of any Person or Persons under Arrest, on any Writ, Action, Attachment, or Process, other than what shall be allowed as reasonable in such Cases by some Order or Orders already made, or which shall hereafter be made, by the Justices of the Peace at some General or Quarter Sessions which shall be held for the County, Riding, Division, City, Town, or Place, where such Arrest or Taking shall be, who are hereby authorized and required, with all convenient Expedition, to make some Standing Order or Orders for ascertaining such Charges and Expences, within their respective Counties, Ridings, Divisions, Cities, Towns, and Jurisdictions, if the same hath or have not already been there made; and if any such Order or Orders hath or have been there already made, such Justices for the time being, at their respective General or Quarter Sessions, are hereby authorized and required to vary or alter the same, from time to time, as they shall see Occasion; and also are hereby required to cause a Copy of every such Order, and of every Variation or Alteration thereof, signed by the Clerk of the Peace of every such County, Riding, Division, City, Town, or Place, respectively, to be put and kept up in some conspicuous Place in the Sessions House, or some other proper Place, of every such respective County, Riding, Division, City, Town, or Place, as such Justices shall order, so as the same may be there seen and examined as Occasion may require.

which Order they are required to make with all Expedition;

a Copy whereof is to be hung up in some conspicuous Part of the Sessions House, or other proper Place.

Sheriffs, and the Secondaries of the Compters, to deliver printed Copies of these Clauses to Bailiffs and other Officers employed in the Execution of Writs, &c.

And, to the Intent that no Person may suffer by reason of his Ignorance of the Provisions made by this Act, be it further enacted by the Authority aforesaid, That all and every Sheriff, Under Sheriff, and Bailiff of any Liberty, and also the respective Secondaries and Clerk Sitters in the respective Compters in London, and all other Persons intrusted with the Execution of Process, or who shall enter any Actions, or make any Warrant or Warrants,

or any Writ or Process, in order to have the same executed, shall deliver a printed Copy of the several Clauses contained in this Act relating to Bailiffs, Serjeants, and other Officers and Persons who shall be employed under them respectively to execute any Writ, Process, or Attachment, or who shall arrest any Person on any Action which shall be entered, or otherwise, within their respective Sheriffwicks or Jurisdictions, to every such Bailiff, Serjeant, Officer, and other Person, and shall make it Part of the Condition of every Security or Bond which shall be given or made to any such Sheriff or Under Sheriff, or Bailiff of any Liberty, by any Bailiff, Serjeant at Mace, or other Officer or Person, who shall be employed or intrusted to execute any such Writ or Process as aforesaid under him, them, or any of them, that every such Bailiff, Serjeant at Mace, or Officer, and other Person respectively, shall and will shew and deliver a Copy of the said Clauses to every Person he shall arrest by virtue of any Process, Action, Writ, or Attachment, or under any Warrant made out thereon, and carry or go with to any Publick or other House where any Liquor shall be sold; and also shall and will permit every such Person who shall be so arrested, or any Friend of him or her, to read over the same Clauses, before any Liquor, Meat, or Victuals, shall be, at any such Publick or other House, called for, or brought to, any such Person who shall be so under Arrest there; and in case any Bailiff, Serjeant at Mace, or other Officer or Person, shall, in any Respect, offend in the Premisses, every such Offence, besides the Breach of the Condition of every such Security Bond, shall be accounted and deemed a Misdemeanor in the Execution of the Process or Action on which any such Person was arrested, and shall be punishable as such by virtue of this Act.

and make it a Part of the Condition of the Bond to be given by them, that they shall shew and deliver a Copy of the said Clauses to the Prisoner, if carried to a Publick House,

and permit him or his Friend to read over the same, before any Liquor or Victuals be brought or called for.

Officer offending in the Premisses, besides the Breach of Covenant, liable to be punished for a Misdemeanor.

And be it further enacted by the Authority aforesaid, That every Sheriff, Under Sheriff, Bailiff of any Liberty, Gaoler and Keeper of any Prison or Gaol, and other Person and Persons, to whose Custody or Keeping any One hath been, or hereafter shall be, arrested, taken, committed, or charged in Execution, by virtue of any Writ, Process, or Action, or Attachment, shall, at all Times hereafter, permit and suffer every such Person and Persons, during his, her, and their respective Continuance under Arrest or in Custody, or in Execution for any Debt, Damages, Costs, or Contempt, at his, her, and their free Will and Pleasure, to send for, or have brought to him, her, or them, at seasonable Times in the Day Time, any Beer, Ale, Victuals,

Sheriffs and Gaolers to allow Debtors in Custody to send for, or have brought to them, Victuals and Beer from what Place they shall think fit;

Victuals, or other necessary Food, from what Place he, she, or they shall think fit, or can have the same; and also to have and use such Bedding, Linnen, and other necessary Things, as he, she, or they shall have Occasion for and think fit, or shall be supplied with, during his, her, or their Continuance under any such Arrest or Commitment, without purloining or detaining the same, or any Part thereof, or inforcing or requiring him, her, or them, to pay for the having or using thereof, or putting any Manner of Restraint or Difficulty upon him, her, or them, in the using thereof, or relating thereto; and no such Prisoner or Prisoners shall pay any thing in respect thereof to any such Sheriff, Under Sheriff, Bailiff of any Liberty, Gaoler, Keeper, or other Person as aforesaid.

and to have and use such Bedding and Linnen, &c. as they shall think fit, or shall be supplied with, without purloining or detaining thereof, or obliging them to pay for the same.

And be it further enacted by the Authority aforesaid, That the Lord Chief Justice of the Court of King's Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, for the time being, or any Two of them, together with the Mayor and Two of the Aldermen, or with Three of the Aldermen of the City of London without the Mayor for the time being, for and in respect of the Gaols and Prisons within the said City of London; and the said Lords Chief Justices, and Lord Chief Baron, or any Two of them, with Three Justices of the Peace of the Counties of Middlesex and Surry respectively, for and in respect of the Gaols and Prisons in the said Counties of Middlesex and Surry respectively; are hereby respectively required, with all convenient Speed, to meet, from time to time, at such Place as they shall think fit and appoint, and there to settle and establish a Table of the Rates and Fees which shall be allowed to be taken by any Gaoler or Keeper in London, or in the several Counties of Middlesex and Surry, where the same hath not been already established; and where the same hath been already established, they are hereby respectively authorized to meet together as aforesaid, and vary the same from time to time as they shall see Occasion; and the Justices of the Peace of every other County, Riding, Division, City, and Place, for and in respect of the Gaols and Prisons in each other respective County, Riding, Division, City, Town, and Place, are hereby respectively authorized and required, at any General or Quarter Session of the Peace to be held for such County, Riding, Division, City, Town, or Place respectively, with all convenient Speed, to settle and establish a Table of the respective Rates and Fees, which shall be allowed to be taken by any Gaoler or Keeper, within their respective Jurisdictions, where the same hath

The L. C. Justices of the *King's Bench*, *Common Pleas*, and *Exchequer*, with the Mayor and Two Aldermen of *London*, for the Prisons within the said City;

and the L. C. Justices, and L. C. Baron, with Three Justices of the Peace for *Middlesex* and *Surry*, for the Prisons in the said Counties,

to meet and settle a Table of the Fees to be taken by the respective Gaolers thereof;

and to vary the same as they shall see Occasion;

and Justices at their General or Quarter Sessions of the Peace, to make like Tables of Fees to be taken by the Gaolers within their respective Jurisdictions.

not been already settled and established, and where the same hath been already settled and established, then to vary and alter the same, from time to time, as there shall be Occasion; and that the respective Tables of such Fees which shall be so made, varied, or altered, for or in respect of the several Gaols and Prisons within the City of London, and Counties of Middlesex and Surry aforesaid, shall be signed, from time to time, by the said Lords Chief Justices, and Lord Chief Baron, or Two of them, and the Mayor and Two Aldermen of the said City of London, or by Three Aldermen of the said City of London without the Mayor, and by Three Justices of the Peace of the Counties of Middlesex and Surry respectively, within their respective Jurisdictions, by whom the same shall be respectively made, varied, or altered; and that the Tables of such Fees, which shall be made, or altered, or varied, for or in respect of the rest of the said Gaols and Prisons, shall, from time to time, be signed by Three or more of the Justices of the Peace who shall so make or vary, or alter, the same, at any such General or Quarter Session of the Peace as aforesaid, and shall be afterwards reviewed and confirmed, or moderated, within that Part of Great Britain called England, by the Judges of Assize, and if within the Principality of Wales, or County Palatine of Chester, by the Justices of Great Sessions respectively, at the next Assizes, or Great Sessions, which shall be held in the respective Counties, within their several Circuits next after the making, or varying, or altering of any such Table of Fees; and the same shall be afterwards signed by the respective Judges of Assize, or Justices of Great Sessions, who shall respectively review, confirm, or moderate the same, and Three or more Justices of the Peace of such respective County, Riding, Division, City, Town, or Place, under their respective Hands, for and in respect of the respective Goals and Prisons within their respective Circuits, Counties, Ridings, Divisions, Cities, Towns, or Jurisdictions.

Tables of the Fees for *London*, *Middlesex*, and *Surry* Gaols, to be signed by the Persons making or altering the same:

Those for other Places to be signed by 3 Justices at the Quarter Sessions;

and to be reviewed, confirmed, or moderated, by the Judges of Assize, or Justices of Great Sessions, within their respective Circuits,

and be afterwards signed by them.

And be it also enacted by the Authority aforesaid, That proper Rules and Orders for the better Government of the respective Gaols and Prisons in that Part of Great Britain called England, and of the Prisoners who are or shall be therein, where such Rules and Orders have not already been made, shall, with all convenient Speed, be made by the several Courts in Westminster Hall, for and in respect of the several Gaols or Prisons belonging to such Courts respectively; and by the said Lords Chief Justices, and Lord Chief Baron, or any Two or more of them, together with the Mayor and Two Aldermen of the said City

Rules and Orders for the better Government of the Gaols, and Prisoners therein, to be made by the respective Courts in *Westminster Hall*, for the Gaols belonging to such Courts;

of

of London, or Three or more Aldermen of the said City of London without the said Mayor, for and in respect of the Gaols and Prisons within the said City of London; and by the said Lords Chief Justices, and Lord Chief Baron, or any Two of them, for the time being, together with Three or more Justices of the Peace, for and in respect of the Gaols and Prisons within the said Counties of Middlesex and Surry; and by Three or more Justices of the Peace of each County, Riding, or Division, City, Borough, Town Corporate, or Place, for and in respect of the Gaols and Prisons within their respective Counties, Ridings, Divisions, Cities, Boroughs, Towns Corporate, or Places, at some General or Quarter Sessions, as aforesaid; and the same shall afterwards be reviewed, and may be altered, if thought necessary, by the Judge or Judges of Assize, or Justice or Justices of Great Sessions respectively, at the next Assizes or Great Sessions which shall be held by them respectively, within their several Circuits, after the making or altering of any such Rules or Orders; and where any Rules or Orders for regulating or governing any such Gaols or Prisons have already been made, or hereafter shall be made, the same may, at all Times hereafter, be enlarged, altered, or amended, as there shall be Occasion, by the respective Courts in Westminster Hall, and other the Persons for the time being respectively authorized by this Act to make and alter the same: And after every making, enlarging, altering, or amending thereof, all such Rules or Orders so enlarged, altered, or amended, shall be signed by the Judges of each respective Court in Westminster Hall, where any such Rules or Orders shall be made, enlarged, altered, or amended, for and in respect of the Prisons and Prisoners belonging to the said Courts respectively; and in respect to the other Gaols or Prisons, or the Prisoners therein, by the respective Persons, for the time being, hereby before authorized to make, and review, or alter, such Rules or Orders, within their respective Jurisdictions, as aforesaid: And Duplicates of every such Table of Fees which shall be made, enlarged, altered, or varied, and of all Rules or Orders which shall be hereafter made for regulating any Gaol or Prison in pursuance of this Act, belonging to the said respective Courts in Westminster Hall, shall be entered and inrolled on Record in every such respective Court, by the proper Officer thereof, without any Fee to be paid for the same; and a like Duplicate of every such Table of Fees, Rules, or Orders, which shall be so made, varied, altered, or amended, and which shall concern or relate to any other Goal or Prison, or the

and by the L. C. Justices, and L. C. Baron, with the Mayor and Two Aldermen, for those within *London*; and by the L. C. Justices and L. C. Baron, with 3 Justices of the Peace, for those in *Middlesex* and *Surry*; and by 3 Justices of the Peace, for those in any other County, &c.

These to be afterwards reviewed, and may be altered by the Judges of Assize, and Justices of Great Sessions respectively.

Rules to be enlarged, altered, or amended as there shall be Occasion;

and to be duly signed.

Duplicates of such Orders, and Tables of Fees, to be enrolled, and entered upon Record in the proper Courts;

Prisoners therein, in that Part of Great Britain called England, shall, from time to time, with all convenient Speed after the making or altering, enlarging or varying thereof, be transmitted to the respective Clerks of the Peace of the several Counties, Ridings, Divisions, Cities, or Places, in or for which the same shall be made, altered, enlarged, or varied, and shall be by every such respective Clerk of the Peace, entered or registered on the Rolls of the respective Sessions, without Fee; and every such Clerk of the Peace shall cause another Copy thereof to be hung up in the Court where every Assize, Great Sessions, or Quarter Sessions of the Peace, for every such County, Riding, Division, City, or Place respectively, within his Jurisdiction, shall be held, there to remain and be inspected as Occasion shall require; and shall also cause another Copy thereof to be transmitted to every Gaoler or Keeper of any Prison, within the Jurisdiction of any such respective Clerk of the Peace; and every such Gaoler or Keeper shall forthwith, after the Receipt of any such Table of Fees, Rules, or Orders, cause the same to be hung up in some open or publick Room or Place, and in a conspicuous Manner, in his Gaol or Prison; and it shall be incumbent on every such Gaoler or Keeper, to take Care that the same shall, from time to time, be kept up there, and preserved, so as that the Prisoners in his Gaol or Prison may have free and easy Resort thereto, at seasonable Times in the Day-time, as Occasion shall require, without paying any thing for the same.

and Copies thereof to be hung up in all Courts of Assize, Great Sessions, and Quarter Sessions,

and transmitted to the respective Gaolers,

and kept hung up in some publick Room of each Prison.

Courts in *Westminster Hall* to enquire annually, whether such Tables of Fees and Orders are duly hung up and complied with,

And be it further enacted by the Authority aforesaid, That the several Courts of Record in Westminster Hall aforesaid shall hereafter, in every Michaelmas Term, appoint some Day in such Term, to inquire whether such Table of Fees, and such Rules or Orders, as aforesaid, are hung up, and remain publick, and easy to be resorted to, in the several Prisons to the said Courts respectively belonging, and whether the same be duly complied with, and observed; and shall cause Eight Days Notice to be given in every such Michaelmas Term, to the Prisoners in every of the respective Prisons belonging to the said respective Courts in Westminster Hall, of the Time appointed for such Inquiry, and shall inform themselves touching the same in the best Manner they can, and supply and redress whatever they shall find neglected or transgressed.

and to give Notice to the Prisoners of the Time appointed for such Inquiry.

Judges and Justices of Assize, &c. to make a like Inquiry;

And be it also enacted by the Authority aforesaid, That the Judges and Justices of Assize, Gaol Delivery, and Great Sessions as aforesaid respectively, within their respective Jurisdictions, shall, at all Assizes and Sessions of

Gaol Delivery and Great Sessions, as aforesaid, which shall hereafter be held by them, make Inquiry whether such Table of Fees, and Rules or Orders, as aforesaid, are hung up, and remain publick, to be resorted to in the several Gaols or Prisons within their respective Jurisdictions, and whether the same be duly complied with, and observed; and shall inform themselves touching the same in the best Manner they can, and supply and redress whatever they shall find neglected or transgressed relating thereto, and shall expressly give in Charge to every Grand Jury impanelled and sworn before them respectively, to make Inquiries concerning the same.

and supply and redress what shall be necessary;

and charge the Grand Jury to make Inquiries therein.

And be it further enacted by the Authority aforesaid, That the several Courts of King's Bench, Common Pleas, and Exchequer, Judges of Assize, and Justices of Great Sessions, and Justices of the Peace within their respective Jurisdictions, and all Commissioners for charitable Uses, do, from time to time, use their best Endeavours and Diligence to examine after and discover the several Gifts, Legacies, and Bequests, bestowed or given for the Benefit or Advantage of the poor Prisoners in the several Gaols or Prisons within their respective Jurisdictions; and they are hereby severally authorized, within their respective Jurisdictions, to send for, and cause to be brought before them respectively, any Deeds, Wills, Writings, Books of Account, and Papers, as they shall receive Information of to be in the Custody of any Person within their respective Jurisdictions, and to concern the Premisses; and also may summon, and cause to come before them respectively, any Person or Persons who they shall have any just Reason to apprehend may be able to make any Discovery concerning the same; and they are hereby authorized, within their respective Jurisdictions, to examine any such Person or Persons on Oath, in order to get at a true Discovery thereof, and to order and settle the Payment, Recovery, and Receipt of any such Gifts, Legacies, or Bequests, when so discovered and ascertained, in such easy and expeditious Manner and Way as shall be thought proper by them respectively, that the Prisoners for the future may not be defrauded, but may, without Delay, receive the full Benefit of all such Gifts, Legacies, and Bequests, according to the true Intent of the respective Donors thereof.

Courts at *Westminster*, Judges of Assize, Justices of Peace, and Commissioners for charitable Uses, impowered to enquire concerning Bequests to poor Prisoners,

to send for any Papers and Persons that may give Insight therein,

and to settle the Payment, Recovery, and Receipt of such Bequests.

And be it further enacted by the Authority aforesaid, That a List or Table of such Gifts, Legacies, and Bequests, for the Benefit of the Prisoners in every Gaol or Prison respectively, as aforesaid, shall, after every settling thereof, be transmitted by the Persons hereby authorized to settle the same, unto the Clerks of the Peace of the respective

Table of Benefactions to be transmitted to, and registered by, the Clerks of the Peace.

spective Counties or Places, and shall be registered by them respectively, in the Manner Tables of Fees and Orders are herein before directed to be registered by them respectively, without any Fee to be paid for the same; and that a List or Table of such Gifts, Legacies, and Bequests, shall be fairly written and transmitted, by Order of such Persons as aforesaid, to the Gaoler or Keeper of every Gaol or Prison to which the Gifts, Charities, or Bequests, therein contained relate, and forthwith after the Receipt thereof, shall be hung up by the Gaoler or Keeper, who shall receive the same, in a conspicuous Manner in some publick Place in his Gaol or Prison, and where the Prisoners in such Gaol or Prison may have free and easy Resort thereto, as Occasion may require, without Fee; and it shall be the Duty of every such Gaoler or Keeper, to take Care that every such List or Table of Gifts which shall be transmitted to any such Gaol or Prison, or a true Copy thereof, shall, from time to time thereafter, be kept hung up as aforesaid in his respective Gaol or Prison.

and also to the Gaolers of the Prisons to which the same relate,

and be hung up in some publick Place of such Prisons.

And, for the more speedy punishing Gaolers, Bailiffs, and others, employed in the Execution of Process, for Extortion, or other Abuses in their respective Offices and Places, be it further enacted by the Authority aforesaid, That upon the Petition, in Term Time, of any Prisoner or Person being, or having been, under Arrest or in Custody, complaining of any Exaction or Extortion by any Gaoler, Bailiff, or other Officer or Person, in or employed in the keeping or taking Care of any Goal or Prison, or other Place, where any such Prisoner or Person under, or having been under, Arrest or in Custody, by any Process or Action, is or shall have been carried, or in respect of the arresting or apprehending any Person or Persons, by virtue of any Process, Action, or Warrant, or of any other Abuse whatsoever committed or done in their respective Offices or Places, unto any of His Majesty's Courts of Record at Westminster, from whence the Process issued, by which any Person who shall so petition was arrested, or under whose Power or Jurisdiction any such Gaol, Prison, or Place, is; or in Vacation Time, to any Judge of any such Courts at Westminster, from whence any such Process so issued; or to the Judges of Assize, or Justices of Great Sessions, in their respective Circuits; or to the Judge or Judges of any other Court of Record, where any Prisoner or Person being, or having been, under Arrest or in Custody, was arrested or in Custody by Process issued out of, or Action entered in, any such other Court of Record within that Part of Great Britain called England; and if within the Principality of Wales, or County Palatine of Chester,

Where Gaolers, Bailiffs, or others, shall be guilty of Extortion, or other Abuses, the Court, &c. upon Petition of the Prisoner, is to examine into the same in a summary Way;

ster, then to the Justices at some Great Sessions to be holden for the County in the Principality of Wales, or for the County Palatine of Chester, where any such Prisoner or Person being, or having been, under Arrest or in Custody, was arrested or in Custody, in the said Principality of Wales, or County Palatine of Chester; every such Court, Judges of Assize, and Justices of Great Sessions, and Judge and Judges of all inferior Courts of Record, are hereby authorized and required respectively, within their several Jurisdictions to hear and determine the same in a summary Way, and to make such Order thereupon for redressing the Abuses which shall, by any such Petition, be complained of, and for punishing such Officer or Person complained against, and for making Reparation to the Party or Parties injured, as they shall think just, together with the Full Costs of every such Complaint; and all Orders and Determinations which shall be thereupon made by any of the said Courts, or any of the said Judges, Justices of Assize, Justices of Great Sessions, Judge or Judges of any such inferior Court as aforesaid respectively, in such summary Way as is herein prescribed, shall have the same Effect, Force, and Virtue, and Obedience thereunto may be inforced by the respective Courts, Judges, Justices of Assize, Justices of Great Sessions, Judge or Judges of any such inferior Court, by Attachment, or in any other Manner, as other Orders of the said respective Courts, Judges, Justices of Assize and Great Sessions, Judge or Judges of inferior Courts of Record, may be inforced.

and make such Order thereupon, for redressing the Abuse, and punishing the Offender, as they shall think just;

and may inforce Obedience to such Orders.

And be it further enacted by the Authority aforesaid, That no Gaoler or Keeper of any Goal, or Prison, or other Person thereto belonging, shall demand, take, or receive, directly or indirectly, of any Prisoner or Prisoners, for Debt, Damages, Costs, or Contempt, any other or greater Fee or Fees whatsoever for his, her, or their Commitment, or coming into Gaol, Chamber Rent there, Release or Discharge, than what shall be mentioned or allowed in the List or Table of Fees which is or shall be settled, inrolled, and registered as aforesaid; and that every Sheriff, Under Sheriff, Bailiff of any Liberty, Bailiff, Serjeant at Mace, Gaoler, and other Officer and Person as aforesaid, who shall in any wise offend against this Act, shall, for every such Offence against this present Act (over and above such Penalties or Punishments as he or they shall be liable unto by the Laws now in Force) forfeit and pay to the Party thereby aggrieved the Sum of Fifty Pounds, to be recovered, with Treble Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's

Gaoler, to take no other Fees than what shall be allowed in the authenticated Table of Fees.

and Sheriffs and other Officers offending against this Act, to forfeit 50 *l.* (exclusive of other Penalties) to the Party aggrieved.

Courts of Record at Westminster, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

And, for the Ease and Relief of Prisoners who shall be charged in Execution for any Sum or Sums of Money, not exceeding in the Whole the Sum of One hundred Pounds, and who shall be willing to satisfy their respective Creditors so far as they are able, be it further enacted by the Authority aforesaid, That from and after the Fifteenth Day of June, One thousand seven hundred and fifty nine, if any Person or Persons shall be charged in Execution for any Sum or Sums of Money, not exceeding in the Whole the Sum of One hundred Pounds, or on which Execution or Executions there shall at any Time remain due, as shall be made appear by Oath, a Sum or Sums of Money, not amounting to above the said Sum of One hundred Pounds, and shall be minded to deliver up to his, her, or their Creditor or Creditors who shall so charge him, her, or them, in Execution, all his, her, or their Estate and Effects, for or towards the Satisfaction of the Debt or Debts wherewith he, she, or they, shall so stand charged; it shall and may be lawful to and for any such Prisoner, before the End of the First Term which shall be next after any such Prisoner shall be charged in Execution by his Creditor or Creditors, to exhibit a Petition to any Court of Law, from whence the Process issued upon which any such Prisoner was or were taken and charged in Execution as aforesaid, or to the Court into which any such Prisoner shall be removed by Habeas Corpus, or shall be charged in Custody, and shall remain in the Prison thereof, certifying the Cause or Causes of his, her, or their Imprisonment; and not only setting forth, in every such Petition, a just and true Account of all the Real and Personal Estate which he, she, or they so petitioning, or any Person or Persons in Trust for him, her, or them, is, was, or were intitled to at the Time of his, her, or their so petitioning, and of all Incumbrances and Charges (if any there be) affecting any such Real or Personal Estate of the Person or Persons so petitioning, but also a just and true Account of all the Real and Personal Estate which any such Prisoner or Prisoners, or any Person or Persons in Trust for him, her, or them, or for his, her, or their Use, was or were interested in, or intitled to, at the Time of his, her, or their first Imprisonment, in the Action in which such Person is charged in Execution, either in Possession, Reversion, Remainder, or Expectancy, to the best of the Belief of every such Prisoner or Prisoners, and so far as his, her, or their respective Knowledge extends concerning the same; and likewise a just and true Account of all Securities

Debtor charged in Execution for any Sum or Sums not exceeding 100 l. &c.

may exhibit a Petition to the Court,

certifying therein the Causes of his Imprisonment,

with a Schedule of his Real and Personal Estate at the Time,

and Charges affecting the same,

and also the State of his Effects at the Time of his first Imprisonment,

rities wherein any Part of the Estates of any such Prisoner or Prisoners consists, and of all the Deeds, Evidences, Writings, Books, Bonds, Notes, and Papers, concerning the same, or relating thereto; and the Names and Places of Abode of the Witnesses to all Securities, Bonds, or Notes, and where they are to be respectively met with, so far as his, her, or their Knowledge extends concerning the same: And before any such Petition from any such Prisoner or Prisoners shall be received by any such Court, every such Prisoner or Prisoners shall give or leave or cause to be given or left, unto or for all and every the Creditor or Creditors at whose Suit any such Prisoner or Prisoners shall stand charged in Execution as aforesaid, or his, her, or their Executors or Administrators, and at his, her, or their usual Place of Abode, or to or for his, her, or their Attorney or Agent last employed in any such Action, Suit, Cause or Causes, in case any such Creditor or Creditors, his, her, or their Executors or Administrators, cannot be met with, but not otherwise, Fourteen Days at least before any such Petition shall be presented and received, a Notice in Writing, signed with the proper Name or Mark of every such Prisoner or Prisoners, importing therein, That such Prisoner or Prisoners as aforesaid, doth or do intend to petition the Court from whence the Process issued, upon which he, she, or they stand charged in Execution, or into the Prison to which any such Prisoner shall have been removed by Habeas Corpus, or shall stand charged in Execution on any Judgement, recovered on any Bill or Declaration filed or delivered in any such Court; and also setting forth in every such Notice or Writing, a true Copy of the Account or Schedule, including the whole Real and Personal Estate of the Person or Persons so designing to petition, which he, she, or they doth or do intend to deliver into any such Court (other than and except the necessary Wearing Apparel and Bedding of the Prisoner or Prisoners, and his, her, or their Family, and the Tools or Instruments of his, her, or their Trade or Calling, not exceeding Ten Pounds in Value in the Whole) and an Affidavit of the due Service of every such Notice shall be delivered with every such Petition, at the Time of presenting thereof, and openly read in the Court to which any such Petition shall be addressed: And if such Court shall thereupon be satisfied of the Regularity of every such Notice, such Petition shall be received, and such Court shall thereupon, by Order or Rule of the same Court, cause the Prisoner or Prisoners so petitioning to be brought up to such Court, on some certain Day in such Order or Rule to be specified, and the Creditor,

and the Securities, Bonds, Notes, and Books, relating thereto, with the Names and Places of Abode of the Witnesses,

14 Days previous Notice of such intended Petition to be given to the Creditor, or his Attorney, at whose Suit he is charged in Execution;

with a Copy of the Schedule he intends to deliver into Court;

Affidavit of the due Service of such Notice to be delivered at the same time with the Petition into Court, and read openly;

and a Rule to be made, upon receiving the Petition, for bringing the Prisoner into Court, and summoning the Creditor, &c.

or of several Creditors, at whose Suit any such Prisoner or Prisoners shall stand charged in Execution, as aforesaid, his, her, or their Executors or Administrators, to be summoned to appear personally, or by his, her, or their Attorney, in such Court, at some certain Day to be specified in such Rule or Order for that Purpose: And if any Creditor or Creditors of any such Prisoner or Prisoners, who shall be so summoned, his or her Executors or Administrators, shall appear in Person, or by his, her, or their Attorney; or if any such Creditor or Creditors, his or her Executors or Administrators, shall refuse or neglect to appear in Person, or by his, her, or their Attorney; then upon Affidavit of the due Service of such Rule or Order on him, her, or them, or his, her, or their Attorney, if any such Creditor or Creditors, his, her, or their Executors or Administrators, cannot be met with, such Court shall, in a summary Way, examine into the Matter of every such Petition, and hear what can or shall be alledged on either Side, for or against the Discharge of any such Prisoner or Prisoners who shall so petition; and upon such Examination, every such Court is hereby required to administer or tender to the Prisoner or Prisoners respectively who shall so petition, and give such previous Notice thereof as herein before is directed, an Oath to the Effect following: That is to say,

and the Creditor appearing, or not appearing thereto,

Oath being made of the due Service of the Rule,

the Court to examine into the Matter of the Petition in a summary Way;

and administer the Oath following to the Prisoner.

The Oath.

I *A. B.* do swear, in the Presence of Almighty God, That the Account by me set forth in my Petition presented to this Honourable Court, doth contain a full and true Account of the Real and Personal Estate, Debts, Credits, and Effects whatsoever, which I, or any in Trust for me, at the Time of my first Imprisonment in this Action, or at any Time since, had, or was in any Respect intitled to, in Possession, Reversion, or Remainder (except the Wearing Apparel and Bedding of or for me and my Family, and the Tools or Instruments of my Trade or Calling, not exceeding Ten Pounds in Value in the Whole) and also an Account how much of my Real and Personal Estate, Debts, Credits, or Effects, hath since been disposed of; released, or discharged, and how, to whom, and on what Consideration, and for what Purpose, and how much thereof I, or any Person or Persons in Trust for me, have, or, at the Time of my presenting my said Petition to this Honourable Court, had, or which I am or was, or any Person in Trust for me, or for my Use, is any ways interested in, or intitled to, in Possession, Reversion, Remainder, or Expectancy, and also a true Account of all Deeds, Writings, Books, Papers, Securities, Bonds, and Notes, relating thereto, and where the same respectively

spectively now are, to the best of my Knowledge and Belief, and what Charges are now affecting the Real Estate I am now seised of, or intitled to *(if any such Prisoner or Prisoners shall be then seised of any Real Estate)* and that I have not, at any Time before or since my Imprisonment, directly or indirectly, sold, leased, assigned, mortgaged, pawned, or otherwise disposed of, or made over in Trust for myself, or otherwise than is mentioned in such Account, any Part of my Messuages, Lands, Tenements, Estates, Goods, Stock, Money, Debts, or other Real or Personal Estate, whereby to have or accept any Benefit, Advantage, or Profit, to myself or my Family, or with any View, Design, or Intent, to deceive, injure, or defraud, any of my Creditors to whom I am indebted.

So help me GOD.

And in case any Prisoner or Prisoners as aforesaid shall, in open Court, take the said Oath, such Court in which any such Oath as aforesaid shall be taken, may then immediately order the Messuages, Lands, Tenements, Goods, and Effects, contained in such Account, or so much of them as may be sufficient to satisfy the Debt or Debts wherewith any such Prisoner or Prisoners shall stand charged in Execution, and the Fees due to the Warden, Marshal, or Keeper of the Gaol or Prison from which any such Prisoner was brought, to be, by a short Indorsement on the Back of such Petition, and to be signed by the Prisoner, assigned and conveyed to the Creditor or Creditors who shall have charged any such Prisoner in Execution (if more than One) his, her, or their Heirs, Executors, Administrators, and Assigns, for the Benefit of him, her, or them, who shall have so charged any such Prisoner in Execution (subject nevertheless to all prior Incumbrances affecting the same) and the Estate, Interest, or Property, of all Messuages, Lands, Goods, Debts, Estates, and Effects, which shall belong to any such Prisoner, shall, by such Assignment and Conveyance as aforesaid, be vested in the Person or Persons to whom such Assignment and Conveyance shall be made, according to the Estate and Interest such Prisoner or Prisoners had therein respectively; and the Creditor or Creditors to whom any such Assignment and Conveyance shall be made, shall and may take Possession of, and sue in his, her, or their Name or Names for the Recovery thereof, in like Manner as Assignees of Commissioners of Bankrupts can or may sue for the Recovery of the Estates and Effects of Bankrupts which shall be assigned and conveyed to them; and no Release of any such Prisoner or Prisoners, his or her Execu-

Court may thereupon order an Assignment to be made, on the Back of the Petition, of the Prisoner's Estate and Effects, and conveyed to the Creditor, &c.

the same to be subject to prior Incumbrances.

Creditor may thereupon take Possession, and sue in like Manner as Assignees of Commissioners of Bankrupts;

and no Release of the Prisoner, subsequent to such Assignment, may be pleaded in Bar of any such Action.

tors, or Administrators, or any Trustee for him, her, or them, subsequent to such Assignment and Conveyance, shall be pleadable, or be allowed of in Bar of any Action or Suit which shall be commenced by any such Assignee or Assignees of any such Prisoner or Prisoners, for the Recovery of any of his, her, or their Estate or Effects; and upon every such Assignment and Conveyance being executed by any such Prisoner or Prisoners, he, she, or they, shall be discharged out of Custody by Rule or Order of such Court, which shall be petitioned by any such Prisoner; and such Rule or Order being produced to, and a Copy thereof being left with, any such Sheriff, Gaoler, or Keeper, of any Prison as aforesaid, shall be a sufficient Warrant to him to discharge every such Prisoner or Prisoners, if charged in Execution, or detained for the Causes mentioned in his, her, or their respective Petition, and no other: And every such Sheriff, Gaoler, or Keeper, is hereby required, on having such Order produced to him, and a Copy thereof left with him, to discharge and set at Liberty forthwith, every such Prisoner and Prisoners who shall be ordered as aforesaid to be so discharged, without taking any Fee, or detaining him, her, or them, in respect of any Demand of any such Sheriff, Warden, Marshal, Gaoler, or Keeper, for or in respect of Chamber Rent or Lodging, or otherwise; or for or in respect of any Fees theretofore claimed, or due to any such Sheriff, Gaoler, or Keeper, or any employed by or under him or them: And no such Sheriff, Gaoler, or Keeper, shall afterwards be liable to any Action of Escape, or other Suit or Information on that Account, or for what he shall do in pursuance of this Act; and the Person or Persons to whom the Estate and Effects of any such Prisoner or Prisoners shall be assigned and conveyed, shall, with all convenient Speed, sell and dispose of the Estates and Effects of every such Prisoner which shall be so assigned and conveyed, and shall divide the net Produce of all such Estates and Effects amongst the Creditors of every such Prisoner and Prisoners, if more than One, who shall have charged any such Prisoner in Execution, before the Time of such Prisoner's Petition to be discharged shall have been presented, rateably and in Proportion to their respective Debts; but in case the Person or Persons at whose Suit any such Prisoner or Prisoners stood charged in Execution as aforesaid, shall not be satisfied with the Truth of any such Prisoner's Oath, and shall either personally, or by his, her, or their Attorney, if he, she, or they cannot personally attend, and Proof shall be made thereof to the Satisfaction of any such Court as aforesaid, desire further Time to inform him, her, or themselves

Court thereupon to make a Rule for Discharge of the Prisoner;

and the Sheriff or Gaoler, being served with a Copy thereof, to set the Prisoner at Liberty;

Sheriff not liable to Action of Escape thereupon.

Assignee to make Sale of the Estate and Effects of the Prisoner,

and make a Dividend accordingly amongst the other Creditors.

But if the Creditor shew Cause of disbelieving the Prisoner's Oath,

selves of the Matters contained therein, any such Court may remand any such Prisoner or Prisoners, and direct him, her, or them, and the Person or Persons dissatisfied as aforesaid with such Oath, to appear either in Person, or by his, her, or their Attorney, on some other Day to be appointed by such said Court, some Time at furthest within the First Week of the Term next following the Time of such Examination, but sooner, if any such Court shall so think fit; and all Objections which shall be made as to the Insufficiency in Point of Form against any Prisoner's Schedule of his Estates and Effects, shall be only made the first Time any such Prisoner shall be brought up; and if at such Second Day which shall be appointed, the Creditor or Creditors dissatisfied with such Oath shall make Default in appearing, either in Person, or by his, her, or their Attorney, or in case he, she, or they shall appear, if he, she, or they shall be unable to discover any Estate or Effects of the Prisoner omitted in the Account set forth in such his or her Petition; then, and in any such Case, such Court shall, by Rule or Order thereof, immediately cause the said Prisoner or Prisoners to be discharged, upon such Prisoner or Prisoners executing such Assignment and Conveyance of his or her Estates and Effects, in Manner as Assignments and Conveyances of Prisoners Estates and Effects are herein before directed to be made, unless such Creditor or Creditors who shall have charged any such Prisoner or Prisoners in Execution as aforesaid, his, her, or their Executors or Administrators, doth or do insist upon such Prisoner or Prisoners being detained in Prison, and shall agree, by Writing signed with his, her, or their Name or Names, Mark or Marks, or under the Hand of his, her, or their Attorney, in case any such Creditor or Creditors, his, her, or their Executors or Administrators shall be out of England, to pay and allow weekly a Sum not exceeding Two Shillings and Four Pence, as any such Court shall think fit, unto the said Prisoner, to be paid every Monday in every Week, so long as any such Prisoner shall continue in Prison in Execution at the Suit of any such Creditor or Creditors; and in every such Case, every such Prisoner and Prisoners shall be remanded back to the Prison or Gaol from whence he, she, or they was or were so brought up, there to continue in Execution; but if any Failure shall, at any Time, be made in the Payment of the weekly Sum which shall be ordered by any such Court to be paid to any such Prisoner, such Prisoner, upon Application in Term Time to the Court where the Suit in which any such Prisoner shall be charged in Execution was commenced, or shall have been carried on, or in

and desire further Time for Information, the Court is to remand the Prisoner back to a further Day.

Objections to the Form of the Schedule, to be made at the first Time the Prisoner is brought up.

Creditor not appearing the second Day, or not making a further Discovery;

Court to make a Rule for Discharge of the Prisoner;

unless the Creditor insist upon his Detention,

and covenant to allow him 2 s. 4 d. per Week;

but upon Failure, at any Time, in the Payment thereof, the Prisoner, upon Application to the Court, to be discharged.

in the Prison of which Court any such Prisoner shall stand committed on any Habeas Corpus, or in Vacation Time, to any Judge of any such Court, may, by the Order of any such Court, or Judge, be discharged out of Custody on every such Execution, Proof being made before such Court, or Judge, on Oath, of the Nonpayment, for any Week, of the Sum of Money ordered and agreed to be weekly paid; but every such Prisoner and Prisoners, before he, she, or they shall be so discharged out of Custody by any such Rule or Order, shall execute an Assignment and Conveyance of his, her, or their Estates and Effects, in Manner herein before directed: And if any Prisoner who shall petition or apply for his or her Discharge under this Act, shall refuse to take the said Oath herein before directed to be taken, or taking the same, shall afterwards be detected before any such Court, or Judge, of Falsity therein, or shall refuse to execute such Assignment and Conveyance of his, her, or their Estates and Effects as aforesaid, as herein before is required to be made by him, her, or them respectively, he, she or they shall be presently remanded and continue in Execution.

upon executing such Assignment and Conveyance as aforesaid.

Prisoner refusing to take the Oath, or being detected of Falsity therein, or refusing to execute an Assignment, &c. of his Estate, to be continued in Execution.

Provided always, and be it further enacted, That where more Creditors than One shall charge any Prisoner or Prisoners in Execution, and shall desire to have such Prisoner or Prisoners detained in Prison, each and every such Creditor and Creditors shall only respectively pay such weekly Sum of Money, not exceeding One Shilling and Six Pence a Week, on every Monday in every Week, to or for such respective Prisoner, as the Court before whom any such Prisoner or Prisoners shall be brought up to be discharged shall, at the Time of his, her, or their being remanded, on such Note for Payment of the weekly Sum ordered to be paid being given, direct or appoint.

Where more Creditors than One insist on the Prisoner's Detention, they are to pay him each not exceeding 1 *s.* 6 *d. per* Week.

And be it further enacted by the Authority aforesaid, That from and after the said Fifteenth Day of June, One thousand seven hundred and fifty nine, where any Prisoner or Prisoners shall be charged in Execution in any County Gaol, or in any other Gaol or Prison above the Space of Twenty Miles distant from Westminster Hall, or the Court or Courts out of which the Execution or Executions shall be issued out against any such Prisoner or Prisoners, then upon Petition being made by any such Prisoner or Prisoners to the Court from whence any such Execution against any such Prisoner or Prisoners issued, or in the Prison of which Court any such Prisoner shall be and stand charged in Execution, in the like Form and Manner as the Petitions herein before-mentioned of Prisoners are directed to be made, and on an Affidavit to the Purport as

Prisoner charged in Execution in County and other Gaols, distant from *Westminster*, to proceed in like Manner by Petition, and Affidavit;

Affidavits

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Affidavits are herein before directed to be made in the Case of Prisoners in Gaol not above Twenty Miles distant from the Court out of which the Execution against such Prisoner issued, being made and left with such Petition, such Court (on being satisfied with the Truth of such Affidavit) is hereby authorized and required to make a Rule or Order to cause the Prisoner or Prisoners, so petitioning, to be brought to the next Assizes which shall be holden for the County or Place where he, she, or they, shall be imprisoned, if the same shall be within that Part of Great Britain called England; and if within the Principality of Wales, or County Palatine of Chester, then to cause such Prisoner or Prisoners to be brought to the next Great Sessions to be holden for the County in Wales, or County Palatine of Chester, in which any such Prisoner or Prisoners shall be imprisoned; and the Expence of bringing every such Prisoner to any such Assizes, not exceeding One Shilling a Mile, shall be paid to the Gaoler, Keeper, or Officer, who shall bring any such Prisoner to any such Assizes or Great Sessions, in Obedience to any such Rule or Order as aforesaid served on him, out of every such Prisoner's Estate or Effects, if the same shall be sufficient to pay such Expence; and if not, then such Expence shall be paid by the Treasurer of the County, Riding, Division, or Place, in which any such Prisoner shall be imprisoned, out of the Stock of the County, Riding, Division, or Place, as the same shall be allowed, directed, or ordered, by any such Court from which any such Execution shall have been issued against any such Prisoner or Prisoners, or in the Prison of which any such Prisoner shall be, by One or more of the Judge or Judges of Assize, Justice or Justices of Great Sessions: And the Creditor, or several Creditors, his, her, or their Executors or Administrators, at whose Suit any such Prisoner or Prisoners shall stand charged in Execution as aforesaid, shall, by Rule or Order of the Court from whence the Process issued, be summoned to appear at the said next Assizes or Great Sessions, if such Creditor or Creditors, his, her, or their Executors or Administrators, can be met with; and if not, then the Attorney last employed for such Creditor or Creditors shall be summoned to appear there; and a Copy of every such Rule or Order shall be served on every of such Creditor or Creditors, his, her, or their Executors or Administrators, or be left at his, her, or their Dwelling House or usual Place of Abode, or with his, her, or their Attorney last employed as aforesaid, Fourteen Days at least before the holding of any such Assizes or Great Sessions; and on an Affidavit of such Service thereof being laid before the Judge or

and the Court to make a Rule thereupon, for his being brought up to the next Assizes, &c.

1 s. per Mile to be paid to the Gaoler for his Expences, out of the Prisoner's Estate;

or by the Treasurer of the County.

Creditors to be summoned,

and a Copy of the Rule served on them;

and upon Affidavit made of such Service,

or Judges of Assize, Justice or Justices of Great Sessions as aforesaid, such Judge or Judges of Assize, Justice or Justices of Great Sessions respectively, on being satisfied with the Truth of such Affidavit, is and are hereby required to appoint a Time for hearing the Matter upon every such Petition as aforesaid, on some certain Day and Time, on the Crown Side of every such Court or Great Sessions, during such Assizes or Great Sessions; and upon the Appearance there of the Creditor or Creditors who shall be summoned in pursuance of this Act, his, her, or their Executors or Administrators, or in Default of the Appearance, either in Person or by Attorney, of the Party or Parties who shall have been summoned so to appear, then on Proof of his, her, or their being duly served with the Notice hereby required to be given, and a Copy of the Account of the Real and Personal Estate of the Prisoner or Prisoners desiring to be discharged being comprised in such Notice, and also of the Rule of such Court for his, her, or their Appearance at such Assizes or Great Sessions, having been duly served as herein before is directed, the Judge or Judges of such Assizes or Great Sessions respectively, as the Case shall happen to be, shall there, in a summary Way, examine into the Matter of every such Petition, and hear what can or shall be alledged, on either Side, for or against the Discharge of the Prisoner or Prisoners so petitioning; and upon every such Examination, such Judge and Judges of Assize and Great Sessions respectively, or any One of them, is and are hereby impowered and required respectively, within their respective Jurisdictions, to administer or tender to every such Prisoner, the same Oath as herein before is directed and appointed to be taken by any Prisoner, before the Judges of the Court out of which the Process, upon which any such Prisoner was taken in Execution, issued; and such said Judge or Judges of Assize, Justice or Justices of Great Sessions respectively, or any One of them, is and are hereby respectively authorized and required to make such Order in the Premisses as to him or them shall seem meet, and to proceed in the same Manner concerning the Discharge of any Prisoner or Prisoners in any Prison within their respective Jurisdictions, and to give the same Judgement, Relief, and Directions, relating thereto, as any Court out of which any Process shall issue against any such Prisoner as aforesaid, is herein before impowered and directed to do: And every Order which shall be made in the Premisses by any such Judge or Judges of Assize or Great Sessions, shall be as valid and effectual as if the same had been made in the Court out of which the Process issued on which any such Prisoner

the Court to appoint a Time for hearing the Matter of the Petition;

and the Creditors appearing thereto, or not,

Proof being made of their being duly served with the Notice, and Copy of the Schedule of the Prisoner's Estate,

the Court to proceed therein in a summary Way;

and administer the Oath to the Prisoner;

and make such Order in the Premisses as shall seem meet, and proceed as aforesaid concerning the Prisoner's Discharge.

Order to stand good, and be enter'd upon Record.

d

Prisoner was charged in Execution; and the same shall be made a Record of the Proceedings at such Assizes or Great Sessions, as the Case shall happen to be, and a Copy thereof shall, from thence, be transmitted to the Court from whence the Execution against the Prisoner or Prisoners discharged, issued, or was awarded, signed by the Judge or Judges of Assize or Great Sessions, to be a Record of the said Court, and to be kept as such amongst the other Records thereof.

And whereas it sometimes happens that Persons who are Prisoners in Execution in Gaol for Debt or Damages, will rather spend their Substance in Prison, than discover and deliver up the same towards satisfying their Creditors their just Debts, or so much thereof as such Substance will extend to pay; be it therefore further enacted, That if any Prisoner now committed to any Prison or Gaol, and charged in Execution for any Debt or Damages not exceeding the Sum of One hundred Pounds, besides Costs of Suit, shall not, on or before the Twenty ninth Day of September, One thousand seven hundred and fifty nine, make Satisfaction to the Creditor or Creditors, his, her, or their, Executors or Administrators, at whose Suit any such Prisoner shall be so charged in Execution for such Debt or Damages, and the Costs of such Suit; or if any Prisoner, who, after the said Fifteenth Day of June, One thousand seven hundred and fifty nine, shall be committed or charged in Execution in any Prison or Gaol, for any Debt or Damages not exceeding the Sum of One hundred Pounds, besides Costs of Suit, shall not, within Three Months next after every such Prisoner, after the said Fifteenth Day of June, One thousand seven hundred and fifty nine, shall be committed or charged in Execution, as aforesaid, make Satisfaction to his, her, or their, Creditor or Creditors, who shall charge any such Prisoner in Execution as aforesaid, his, her, or their, Executors or Administrators, for such Debt, Damages, and Costs; then, and in any of the said Cases, any such Creditor or Creditors, his, her, or their, Executors or Administrators, is and are hereby authorized and impowered to require every such respective Prisoner or Prisoners, on giving Twenty Days Notice in Writing to him or her respectively, that such Creditor or Creditors, his, her, or their, Executors or Administrators, design to compel any such Prisoner to give in to the Court at Law, from which the Writ or Process issued on which any such Prisoner is or shall be charged in Execution as aforesaid, or into the Court in the Prison of which any such Prisoner hath been or shall be removed by Habeas Corpus, or shall remain, or be charged in Execution,

Prisoner refusing to deliver up his Estate and Effects to satisfy his Creditors,

Creditors may compel such Prisoner to be brought up and deliver in to Court a Schedule of his Estate and Effects, and the Incumbrances affecting the same, upon Oath; giving the Prisoner 20 Days Notice of such Intention;

Execution, within the first Seven Days of the Term which shall next ensue the Expiration of the said Twenty Days, in respect to any Prisoner charged in any of the Prisons belonging to any of the Courts in Westminster Hall; and at the Second Court which shall be held by any such other Court of Record after the Expiration of the said Twenty Days, in respect to any Prisoner charged in any Prison belonging to any such other Court; and where any such Prisoner is or shall be charged in Execution, in any County Gaol, or other Gaol or Prison, above the Space of Twenty Miles distant from Westminster Hall, or the Court or Courts out of which the Writ or Process on which any such Prisoner is or shall be so charged in Execution issued, or shall issue; then to give in, upon Oath, at the Assizes or Great Sessions as aforesaid, and on the Crown Side thereof, which shall be held for the County or Place in the Prison of which any such Prisoner shall be, next after the Expiration of such Twenty Days from the Time of giving any such Notice as aforesaid to any such Prisoner, a true Account in Writing, and to be signed with the proper Name or Mark of every such Prisoner, of all the Real and Personal Estate of such Prisoner, and of all Incumbrances affecting the same, to the best of the Knowledge and Belief of such Prisoner, in order that the Estate and Effects of such Prisoner may be devested out of him or her, and may, by the Court, Judge or Judges, Justice or Justices, as aforesaid, be ordered to be assigned and conveyed, in Manner and for the Purposes herein after declared: And every such Creditor or Creditors, as aforesaid, who shall require any such Prisoner to be brought up as aforesaid, for the Purpose aforesaid, shall also give Twenty Days like Notice in Writing, of such his, her, or their Intention, to require any such Prisoner to be brought up as aforesaid, to discover and deliver up his or her Estate as aforesaid, to all and every other Creditor and Creditors of every such Prisoner, at whose Suit any such Prisoner shall be detained or charged in Custody in any such Gaol or Prison, if such Prisoner shall be there detained in Custody, or charged in Execution, at the Suit of any other Creditor or Creditors besides the Creditor or Creditors giving such Notice as aforesaid, if such other Creditor or Creditors can be found out or met with, and if not, then to the several Attornies last employed in the respective Actions or Suits, in which any such Prisoner or Prisoners shall be so detained or charged in Custody by any such other Creditor or Creditors of such Prisoner; and shall likewise give a like Notice in Writing to the Sheriff or Sheriffs, Gaoler or Keeper of the Gaol or

in order that his Estate and Effects may be devested out of him, and assigned and conveyed as herein after directed.

Like Notice to be given of such Intention to the other Creditors;

and also to the Sheriff and Gaoler,

Prison in which any such Prisoner or Prisoners shall be detained in Custody, or committed or charged in Execution as aforesaid, of such his or her Intention to have any such Prisoner so brought up, and to require such Sheriff or Sheriffs, Gaoler or Gaolers, respectively, to bring up every such Prisoner accordingly: And every such Notice which shall be so given to any such Sheriff or Sheriffs, Gaoler or Gaolers, shall be so given to him or them respectively, Twenty Days at least before the Time appointed for any such Prisoner to be so brought up; and thereupon every such Sheriff or Sheriffs, Gaoler or Keeper, respectively, to whom any such Notice as aforesaid shall be so given, shall, at the Costs of such Creditor or Creditors, his, her, or their, Executors or Administrators, cause every such Prisoner to be brought, as by such Notice in Writing shall be required, to such Court, Assizes, or Great Sessions, as aforesaid, together with a Copy or Causes of his or her respective Detainer or Detainers there; and if any such Sheriff or Sheriffs, Gaoler or Keeper, on any such Notice in Writing being given to him or them as aforesaid, and Tender being made to him or them, by or on the Behalf of any such Creditor or Creditors aforesaid, of reasonable Charges, not exceeding One Shilling a Mile, to bring up the Prisoner or Prisoners required as aforesaid to be so brought up to any such Court, Assizes, or Great Sessions as aforesaid, shall neglect or refuse to bring there the Prisoner or Prisoners so required to be brought there as aforesaid, and at the Time he or she shall be so required to be brought there, together with a Copy of his, her, or their Detainer or Detainers in any such Gaol or Prison; every such Sheriff and Sheriffs, Gaoler and Keeper, who shall so offend in the Premisses, shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds, to be recovered by the Party aggrieved by Action of Debt, Bill, or Information, in any of his Majesty's Courts of Record at Westminster, if any such Offence shall be committed out of the said Principality of Wales, or County Palatine of Chester; and if any such Offence shall be committed in the Principality of Wales, or County Palatine of Chester, then in some Court of Record in the said Principality of Wales, or County Palatine of Chester, within the Jurisdiction of which any such Offence shall be so committed, together with Treble Costs of Suit.

requiring them to bring up such Prisoner;

who is to be brought accordingly at the Costs of the Creditors,

with a Copy of his Detainer.

Sheriff or Gaoler making Default in the Premisses, after due Notice given, and Tender of reasonable Charges,

forfeit 20 *l.* to the Party aggrieved,

with Treble Costs of Suit.

And be it further enacted by the Authority aforesaid, That every Prisoner charged, or who shall be charged, in Execution as aforesaid, and who, in pursuance of this Act, shall, at the Desire of any of his, her, or their Creditor or Creditors, his, her, or their Executors or Administrators, be

Prisoner, upon Proof of due Notice as aforesaid having been given him, is to deliver in, upon Oath, to the Court a Schedule of his Estate and Effects, and signed by him;

be brought up to any such Court, Assizes, or Great Sessions, as aforesaid, shall, on Proof being there first made of such Notices as are herein before directed to be given having been given, deliver in there in open Court, upon Oath, within the Time herein before for that Purpose prescribed, a full, true, and just Account, Disclosure, and Discovery, in Writing, of the Whole of his or her Real and Personal Estate, and of all Books, Papers, Writings, and Securities, relating thereto, and also of all Incumbrances then affecting the same, and the respective Times when made, to the best of his or her Knowledge and Belief (other than and except the necessary Wearing Apparel, and Bedding, of such Prisoner, and his or her Family, and the necessary Tools or Instruments of his or her respective Trade or Calling, not exceeding the Value of Ten Pounds in the Whole) which Account shall be subscribed with the proper Name or Mark of the Prisoner respectively who shall so deliver in the same; and on the delivering in of any such Account, the Estate and Effects of every such Prisoner shall be assigned and conveyed by such Prisoner respectively, by a short Indorsement on the Back of every such Account as shall be so delivered in, to such Person or Persons as the Court, Judge or Judges, Justice or Justices, in which, or to whom, any such Account shall be so given in, shall order or direct, in Trust, and for the Benefit of the Creditor or Creditors who shall have required any such Prisoner to be brought up as aforesaid, and of such other Creditor or Creditors (if any) of every such respective Prisoner at whose Suit or Suits any such Prisoner shall be charged in Custody, or in Execution, in any such Prison or Gaol, and who shall, by any Memorandum or Writing to be signed by such Creditor or Creditors respectively, before any such Conveyance or Assignment shall be made, consent to any such Prisoner's being discharged out of Gaol or Prison, at his, her, or their Suit or Suits, and also agree to take or accept a proportionable Dividend of such Prisoner's Estate and Effects, with the Creditor or Creditors who shall have required any such Prisoner to be brought up, as aforesaid; and if there shall be no other Creditor or Creditors as aforesaid of such Prisoner, or there being any such, if such other Creditor or Creditors as aforesaid shall not agree in Writing to discharge such Prisoner, and accept such proportionable Dividend as aforesaid of the Estate and Effects of any such Prisoner; then in Trust for the Creditor or Creditors only who shall require any such Prisoner to be brought up for the Purpose aforesaid: And by such Assignment and Conveyance as aforesaid, all the Prisoner's Estate and Effects shall be

and is to assign and convey the same in Trust, for the Benefit of his Creditors,

they agreeing to his Discharge,

and to accept a proportionable Dividend of his Effects;

but if any shall refuse to agree thereto, then the same to be in Trust, for the Creditors only requiring the Prisoner to be brought up for the Purpose aforesaid.

be vested in the Creditor or Creditors to whom the same shall be assigned and conveyed, in Trust as aforesaid; and if any Overplus shall remain of any such Prisoner's Estate, after Payment of the Debt, or Damages, and Costs, which shall be due to any Creditor or Creditors respectively at whose Suit or Suits any such Prisoner as aforesaid shall, in pursuance of this Act, be discharged out of Gaol or Prison, on delivering up his or her Estate and Effects as aforesaid, and all reasonable Charges expended in or by Means of getting in of such Estate or Effects, the same shall be paid to such Prisoner, his or her Executors, Administrators, or Assignes: And upon every such Discovery, Assignment, and Conveyance, being made and executed by any such Prisoner, to the Satisfaction of the Court, Judge or Judges of Assize, Justice or Justices of Great Sessions, before whom the same shall be respectively made, every such Prisoner and Prisoners shall, by such Court, Judge or Judges, Justice or Justices, be discharged, and set at Liberty, in the Actions and Charges, at the Suit of the Creditor or Creditors, his, her, or their Executors or Administrators, who shall require any such Prisoner to be so brought up, and also in the Actions and Charges of every other Creditor of any such Prisoner, his, her, or their Executors or Administrators, who shall sign any such Consent, as aforesaid, for any such Prisoner's Discharge, with the same Benefit of making use of such his or her Discharge, as is herein before provided for Prisoners seeking, and who shall obtain, their Discharge, under the Provisions contained in the former Part of this Act; and no greater Fee than Two Shillings and Six Pence in the Whole, shall be paid or taken for any such Discharge, by all or any Officer or Officers of any such Courts, Assizes, or Great Sessions; and no Stamp shall be necessary on any such Assignment and Conveyance, as aforesaid, or any Rule or Order, which shall be made for any such Discharge; but all the future Effects of every such Prisoner (other than and except the necessary Wearing Apparel, and Bedding, of such Prisoner, and his or her Family, and the necessary Tools or Instruments of his or her respective Trade or Calling) shall be and remain liable to satisfy his or her Debts, if the same shall not be fully paid from his or her Estate which shall be assigned and conveyed as aforesaid; and no Advantage shall be had or taken in any Action or Suit which shall be hereafter commenced against any such Prisoner, his or her Heirs, Executors, or Administrators, for that the Cause of Action did not accrue within Six Years next before the Commencing of any such Action or Suit, unless such Prisoner was intitled

Overplus remaining after all Charges, to be paid to the Prisoner.

Prisoner complying, to the Satisfaction of the Court, to be set at Liberty;

paying for his Discharge Fees 2 s. 6 d.

Future Effects of the Prisoner liable to Debts unsatisfied;

and no Advantage to be taken of the Statute of Limitation, unless he was intitled thereto before he stood charged in Custody on the Original Suit.

intitled to take such Advantage before he or she stood charged in Custody by virtue of the original Suit or Action; and in any such Case, the same may be pleaded by any such Prisoner, his or her Heirs, Executors, or Administrators: And if any Prisoner charged, or who shall be charged, in Execution, in any Prison or Gaol, and who shall be required as aforesaid to be brought up to any such Court, Assizes, or Great Sessions, as aforesaid, shall neglect or refuse to deliver in and subscribe such just and true Account of his or her whole Estate and Effects in any such Court, or at any such Assizes, or Great Sessions, as aforesaid, as the Case may happen to be, within the Time herein before limited or appointed for the doing thereof, or within Sixty Days then next following, without offering and making appear some just Excuse for every such Neglect or Refusal, to be allowed of by the Court, Judge or Judges of Assize, Justice or Justices of Great Sessions, as aforesaid, or who shall refuse to assign or convey his or her Estate and Effects, according to the Order of any such Court, Judge or Judges, Justice or Justices, as aforesaid; he or she so offending in any of the said Cases, and who shall be convicted of any such Offence upon any Indictment found against him or her, shall thereupon have Judgement for Transportation pronounced against him or her, and shall be transported, according to the Laws made and now in Force for Transportation of Felons, to some of his Majesty's Colonies or Plantations in America, for the Term of Seven Years: And if any such Prisoner shall deliver in any false or untrue Account of his or her Estate or Effects, or shall designedly conceal, and not insert in the Account he or she shall deliver in and subscribe as aforesaid, any Books, Papers, Securities, or Writings, relating to his or her Estate and Effects, with Intent to defraud his or her Creditor or Creditors, and shall be thereof convicted on any Indictment found against him or her in respect thereof; he or she so offending, and being convicted as aforesaid thereof, shall suffer the Pains and Penalties which by Law are to be inflicted on any Person convicted of wilful Perjury.

Prisoner neglecting or refusing to deliver in a Schedule of his Estate and Effects,

or to make an Assignment and Conveyance thereof,

to be transported for 7 Years;

and delivering in a false Account,

to suffer the Pains and Penalties of wilful Perjury,

Provided also, and be it further enacted by the Authority aforesaid, That if any Person who shall take any Oath as by this Act is required to be taken, shall, upon any Indictment for Perjury, be convicted by his, her, or their own Confession, or by Verdict of Twelve lawful Men; the Person so convicted shall suffer the Pains and Forfeitures which by Law are to be inflicted on any Person convicted of wilful Perjury; and shall likewise be liable to be taken on any Process de novo, and charged in Execution for the

Persons convicted of Perjury, to suffer in like Manner;

and be liable to be taken on a Process *de novo*, and charged in Execution for the Debt;

said Debt, in the same Manner as if he or she had not been discharged, or not taken or charged in Execution before, and shall never after have the Benefit of this Act; any thing herein before contained to the contrary notwithstanding.

and never have the Benefit of this Act.

Provided likewise, and it is hereby further enacted, That if the Effects of any Prisoner or Prisoners, which shall be assigned and conveyed in pursuance of this Act, shall not extend to satisfy the whole Debt due to the Creditors as aforesaid of the Prisoner who shall be so discharged, and the Fees due to the Warden, Marshal, or Gaoler, from any such Prisoner; then such Warden, Marshal, or Gaoler, shall only receive a proportionable Dividend from such Prisoner's Estate, in respect of such Fees, pro Rata with the other Creditors as aforesaid of such Prisoner or Prisoners.

If the Prisoner's Effects shall not satisfy his Debt, and Warden's Fees, &c.

Warden to receive only a proportional Dividend with the other Creditors.

Provided further, and be it hereby also enacted, That the Prisoner or Prisoners who shall be so discharged by virtue of this Act, shall never after be arrested for the same Debt or Debts; nor shall any Action of Debt be brought against him, her, or them, on any such Judgement, unless he, she, or they shall, under this Act, be convicted of wilful Perjury; but notwithstanding any Discharge obtained by virtue of this Act for the Person of any such Prisoner or Prisoners, the Judgement obtained against every such Prisoner and Prisoners shall continue and remain in Force, and Execution may at any Time be taken out thereon against the Lands, Tenements, Rents, or Hereditaments, Goods or Chattles, of any such Prisoner or Prisoners, other than and except the necessary Wearing Apparel, and Bedding for him, her, or themselves and Family, and the necessary Tools for the Use of his, her, or their Trade or Occupation, not exceeding Ten Pounds in Value in the Whole, as if he, she, or they had never been before arrested, taken in Execution, and released out of Prison, by virtue of, or under, this Act.

Prisoner discharged not liable to Arrest, or Action, for the same Debt,

unless convicted of Perjury;

but the Judgement to remain in Force, and Execution may be had thereon against his Estate and Effects.

And be it further enacted by the Authority aforesaid, That any Assignee or Assignees to whom, by virtue of this Act, the Estate or Effects of any Prisoner or Prisoners discharged by this Act shall be assigned, is and are hereby impowered to make Composition with any Debtors or Accountants to such Prisoner or Prisoners, where the same shall appear necessary or reasonable, and to take such reasonable Part of any Debt due, as can, upon any such Composition, be gotten, in full Discharge of such Debt or Account; and also to submit any Difference or Dispute concerning any Part of any such Prisoner's Estate or Effects, or by Reason or Means of any Matter, Cause, or

Assignees may compound with the Creditors in full Discharge of their Debts;

and submit Disputes relating to the Prisoner's Estate and Debts, &c.

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Thing relating thereto, or to such Prisoner or Prisoners, or in respect of any Debt claimed to be due to such Prisoner or Prisoners, to the final End and Determination of Arbitrators to be chosen by the said Assignee or Assignees, and the Party or Parties with whom any such Difference shall be; and if such Arbitrators cannot agree in the same, then to submit the same to the Determination of any Umpire to be chosen by them, or otherwise to settle and agree the Matter in Difference or Dispute between them, in such Manner as such Assignee or Assignees shall think fit, and can agree; and the same shall be binding, as well to all other of the said Prisoner or Prisoners Creditors as aforesaid, who shall have charged him, her, or them, in Custody or Execution, as also to every such Prisoner and Prisoners; and every such Assignee and Assignees is and are indemnified for what he or they shall fairly, and without any fraudulent Design, do in the Premisses, according to the Direction of this Act.

to Arbitration, &c.

the same to be binding to Creditors and Prisoners.

Assignees indemnified therein.

And, to the Intent the Estate and Effects of such Prisoner or Prisoners who shall be discharged by virtue of this Act may be truly and fairly applied, be it further enacted by the Authority aforesaid, That it shall be lawful for the respective Courts at Westminster, from whence any Process issued upon which any such Prisoner or Prisoners was or were charged in Execution; and whose Estate and Effects in pursuance of this Act shall have been assigned as by this Act is directed, or where any such Prisoner shall have been charged in Execution by Process issued out of any other Court, it shall be lawful for the Judges of the Courts of King's Bench, Common Pleas, and Exchequer, or any One of them, from time to time, on the Petition of any Creditor of such Prisoner or Prisoners who had charged any such Prisoner in Execution, or of such Prisoner or Prisoners, to any such Court, or any Judge thereof, complaining of any Insufficiency, Fraud, Mismanagement, or other Misbehaviour of any such Assignee or Assignees, to order the respective Parties concerned to attend such Court or Judge on the Matter of every such Petition, at some certain Time in such Order to be mentioned; and every such Court at Westminster, and also every Judge thereof, on hearing the Parties concerned therein, is hereby authorized to make such Order, and give such Directions in the Premisses, either for the Removal or Displacing such Assignee or Assignees, and appointing any new or other Assignee or Assignees in the Place or Stead of such Assignee or Assignees so to be removed or displaced, or for the prudent, just, or equitable Management or Distribution of the said Estate and Effects, for the Benefit of the respective

On Complaint to Court of any Insufficiency, Fraud, Mismanagement, or other Misbehaviour of the Assignees,

the Parties to be ordered to attend the Court thereon; and the Court to make such Order therein as they shall think just.

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spective Creditors as aforesaid of such Prisoner or Prisoners, as any of the said Courts at Westminster, or Judges there, respectively shall think fit; and in case of the Removal or Displacing of any Assignee or Assignees, and the appointing of any new Assignee or Assignees, the Estate or Effects of such Prisoner or Prisoners shall from thenceforth be divested out of the Assignee or Assignees so removed or displaced, and be vested in, and delivered over to, the new Assignee or Assignees, in the same Manner, and for the like Intents and Purposes, as the same were before vested in the former Assignee or Assignees.

On Removal of any Assignees, the Prisoner's Estate and Effects to be vested in and delivered over to the new Assignees.

And be it further enacted, That in all and every Case and Cases where mutual Credit shall have been given between any Prisoner or Prisoners who shall be discharged under this Act, and any other Person or Persons, Bodies Politick or Corporate, before the Delivery of any Schedule or Inventory of the Estate and Effects of any such Prisoner or Prisoners, upon Oath, as by this Act is herein before directed; then, and in every such Case, the respective Assignee or Assignees of such Prisoner or Prisoners shall have Power, and is and are hereby required, on his or their Part or Parts, to state and allow an Account between them; and nothing more shall be deemed to be vested by any Assignment which shall be made in pursuance of this Act, as the Estate or Effects of such Prisoner or Prisoners, than what shall appear to have been due to him, her, or them respectively, and to be justly coming to him, her, or them, on or for the Balance of such Account when truly stated.

Where mutual Credit hath been given,

the Assignees may only state the Account, and demand the Balance,

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons who hath or have already taken, or shall hereafter take, the Benefit of any Act for the Relief of Insolvent Debtors, shall have or receive any Benefit or Advantage of or under this Act, or be deemed to be within the Meaning hereof, so as to gain any Discharge, unless compelled by any Creditor to discover and deliver up his or her Estate and Effects; any thing herein contained to the contrary notwithstanding.

None intitled to the Benefit of this Act, who have taken, or shall take, the Benefit of any Act of Insolvency;

unless compelled by a Creditor to deliver up his Estate and Effects.

And be it also enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to that Part of Great Britain called Scotland.

This Act not to extend to *Scotland*.

FINIS.