ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

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C A P. CXVII.

An Act to regulate the iſſuing of Extents in Aid.

[11th *July* 1817.]

WHEREAS Extents in Aid have in many Caſes been iſſued for the levying and recovering of larger Sums of Money than were due to His Majeſty by the Debtors on whoſe Behalf ſuch Extents were iſſued, and it is expedient to prevent ſuch Practice in future; and in other Caſes Extents in Aid have been iſſued at the Inſtance and for the Benefit of Perſons indebted to His Majeſty by Simple Contract only: 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 upon the iſſuing of every Extent in Aid, on behalf of any Debtor to His Majeſty, after the paſſing of this Act, His Majeſty's Court of Exchequer at *Weſtminſter*, or the Chancellor of His Majeſty's Exchequer, or Lord Chief Baron or other Baron of the ſaid Court, granting the Fiat for the iſſuing of ſuch Extent in Aid, ſhall cauſe the Amount of the Debt or Sum of Money due or claimed to be due to His Majeſty to be ſtated and ſpecified in the ſaid Fiat; and that in all Caſes in which the Debt or Debts found due to the Debtor to His Majeſty ſhall be equal to or exceed the Debt ſtated and ſpecified in the ſaid Fiat as aforeſaid, the Amount of the Debt ſo ſtated and ſpecified in the ſaid Fiat ſhall be indorſed upon the Writ, and the Writ ſo indorſed ſhall be deemed to be and be the Authority and Direction to the Sheriff or other Officer who ſhall execute ſuch Writ, in making his Levy and executing the ſame, as to the Amount to be levied and taken under the ſaid Writ; and that in all

Amount of Debt due to the Crown to be indorſed upon the Writ, as the Sum to be levied by the Sheriff.

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Caſes

Caſes in which the Debt or Debts found due to the Debtor to His Majeſty ſhall be of leſs Amount than the Debt ſtated and ſpecified in the ſaid Fiat as aforeſaid, the Amount of ſuch Debt or Debts found due to ſuch Debtor to His Majeſty ſhall be indorſed upon the Writ, and the Writ ſo indorſed ſhall be deemed to be and be the Authority and Direction to the Sheriff or other Officer who ſhall execute the ſaid Writ, in making his Levy and executing the ſame, as to the Amount to be levied and taken under the ſaid Writ; and that the Money levied, taken, recovered, or received under or by virtue of every ſuch Extent in Aid ſo proſecuted and iſſued, ſhall be, by Order of the ſaid Court, paid over to and for His Majeſty's Uſe, towards Satisfaction of the Debt ſo due to His Majeſty as aforeſaid.

If any Overplus, Court to diſpoſe of it upon ſummary Application.

II. Provided always, and be it further enacted, That in every Caſe in which the Sum produced by the Sale of any Lands, Goods, or Chattels taken, or by the Receipt of any Sum of Money by any Sheriff or other Officer under any ſuch Writ of Extent, for the Purpoſe of levying the Amount or Sum of Money indorſed upon the Back of the Writ, ſhall be more than ſufficient to ſatisfy the Amount of the Sum ſo indorſed upon the Writ, ſuch Overplus ſhall be paid into the Court of Exchequer, together with the ſaid Amount indorſed upon the ſaid Writ; and the ſaid Court ſhall, upon any ſummary Application or Applications, make ſuch Order, for the Return, Diſpoſal, or Diſtribution of any ſuch Surplus, or any Part or Proportion thereof, as to the ſaid Court ſhall appear to be proper.

Not to prejudice the Debtor to the Crown in recovering the Remainder of any Debt.

III. Provided always, and be it further enacted, That nothing in this Act contained, and no Seizure of any Debt into the Hands of His Majeſty, or Part Recovery or Payment of ſuch Debt, or other Proceeding had under or in purſuance of this Act, or in relation to the applying for, obtaining, or executing any ſuch Writ, or diſpoſing of any ſuch Overplus, ſhall affect or in any Manner prejudice, either at Law or in Equity, any Right, Claim, or Demand of the Perſon or Perſons to whom ſuch Debt ſhall have been due or owing, when ſeized into His Majeſty's Hands, or his or their Aſſignee or Aſſignees, or Executor or Executors, or Adminiſtrator or Adminiſtrators, as to the remaining Part of ſuch Debt, or as to the ſuing any Perſon or Perſons againſt whom any ſuch Writ ſhall have iſſued, or whoſe Lands or Goods ſhall have been ſeized or taken under any ſuch Writ, for the Reſidue or remaining Part of ſuch Debt, or as to the Recovery of or receiving any Reſidue or remaining Part of any Debt ſo ſeized or in part levied, recovered, or paid, or any further or other Debt ſeized or ſued for under or by virtue of any ſuch Extent, but ſtill remaining due and unpaid, either in the Whole or in Part; but that it ſhall be lawful for any Perſon or Perſons as aforeſaid, his or their Aſſignee or Aſſignees, Executor or Executors, or Adminiſtrator or Adminiſtrators, to demand, ſue for, and recover the Remainder of any ſuch Debt ſo ſeized, or any other Debt or Debts, by the like Proceſs and in the ſame Manner as if no ſuch Extent in Aid had iſſued; any Thing contained in any Act or Acts of Parliament, or Law or Laws, to the contrary notwithſtanding.

Extents in Aid not to be

IV. And be it further enacted, That from and after the paſſing of this Act it ſhall not be lawful for any Perſon or Perſons, Companies or Societies

Societies of Perſons, Corporate or not Corporate, who ſhall or may be indebted to His Majeſty by Simple Contract only; nor for any ſuch Perſon or Perſons, Companies or Societies, who ſhall or may be indebted to His Majeſty by Bond for anſwering, accounting for, and paying any particular Duty or Duties, or Sum or Sums of Money, which ſhall ariſe or become due and payable to His Majeſty from ſuch Perſon or Perſons, Companies or Societies reſpectively, for and in reſpect and in the Courſe of his or their particular Trades, Manufactories, Profeſſions, Buſineſſes, or Callings; nor for any Subdiſtributor of Stamps who ſhall have given Bond to His Majeſty; nor for any Perſon who ſhall have given Bond to His Majeſty, either jointly or ſeparately, as a Surety only for ſome other Debtor to His Majeſty, until ſuch Surety ſhall have made Proof of a Demand having been made upon him on behalf of His Majeſty, in conſequence of the Non-performance of the Conditions of the Bond by the Principal, and then only to the Amount of the ſaid Demand; to ſue out and proſecute any Extent or Extents in Aid, by reaſon or on account of any ſuch Debt or Debts to His Majeſty reſpectively, for the Recovery of any Debt or Debts due to ſuch Perſon or Perſons, Companies or Societies, or to ſuch Subdiſtributor of Stamps or Surety as aforeſaid; and that all and every Commiſſion and Commiſſions to find Debts, Extent and Extents in Aid, and other Proceedings which ſhall be ſo iſſued or inſtituted at the Inſtance of or for ſuch Simple Contract or Bond Debtor or Debtors reſpectively, and all Proceedings thereupon, ſhall be null and void: Provided always, that nothing herein contained ſhall extend or be conſtrued to extend to preclude or prevent any Perſons who ſhall or may become Debtor or Debtors to His Majeſty by Simple Contract only, by the Collection or Receipt of any Money ariſing from His Majeſty's Revenue for His Majeſty's Uſe, from applying for and ſuing out any Commiſſion or Commiſſions, Extent or Extents in Aid, in caſe one or more of ſuch Perſons ſhall be bound to His Majeſty by Bond or Specialty of Record in the ſaid Court of Exchequer, for anſwering, ſecuring, paying over, or accounting for to His Majeſty, the particular Duties or Sums of Money which ſhall conſtitute the Debt that may be ſo then due from ſuch Perſon or Perſons to His Majeſty; any Thing herein-before contained to the contrary notwithſtanding.

ſued out by Simple Contract Debtors to the Crown, &c. except in certain Caſes.

V. Provided nevertheleſs, and be it further enacted, That no Extent in Aid ſhall be iſſued on any Bond given by any Perſon or Perſons as a Surety or Sureties for the paying or accounting for any Duties which may become due to His Majeſty from any Body or Society, whether incorporated or otherwiſe, carrying on the Buſineſs of Inſurance againſt any Riſques either of Fire or of any other Kind whatever.

Extent in Aid not to iſſue on Bonds for the Payment of Duties againſt any Corporate Body, &c.

VI. And be it further enacted, That it ſhall and may be lawful for any Perſon or Perſons who may now or ſhall hereafter be impriſoned under or by virtue of any Writ of Capias in any Extent or Extents in Aid, to apply to the Barons of His Majeſty's Court of Exchequer in *England* or *Scotland*, or to any Baron of the ſame Court in Vacation, for his, her, or their Diſcharge, giving One Month's previous Notice in Writing to the Perſon or Perſons to whom he, ſhe, or they owed the Debt or Sum or Sums of Money for which he, ſhe, or they is or are ſo impriſoned, at the Time ſuch Debt was ſeized under ſuch Extent in Aid, of his, her, or their Intention to make ſuch Application, and ſtating in ſuch Notice the Ground of ſuch Application, and an Enumeration and Deſcription of all and every

Perſons impriſoned under any Writ of Capias in Extents in Aid, may apply to the Courts of Exchequer for their Diſcharge.

every the Property, Debts, and Effects whatſoever of ſuch Perſon or Perſons in his, her, or their own Poſſeſſion or Power, or in the Poſſeſſion or Power of any other Perſon or Perſons for his, her, or their Uſe; and for the ſaid Court, or any ſuch Baron in Vacation to whom ſuch Application ſhall be made, to order ſuch Perſon or Perſons to be brought before them or him to be examined upon Oath touching and concerning his, her, or their Property and Effects; and if ſuch Perſon or Perſons reſpectively ſhall upon ſuch Examination make a full Diſcloſure of all his, her, or their Property and Effects, to the Satisfaction of the ſaid Court or Baron, or it ſhall otherwiſe appear reaſonable and proper to ſuch Court or Baron that ſuch Perſon or Perſons ſhould be no longer impriſoned under ſuch Writ, for ſuch Court or Baron to order a Writ of *Superſedeas quoad Corpus* to be iſſued out of the ſaid Court for the Liberation of ſuch Perſon or Perſons from ſuch Impriſonment: Provided always, that no ſuch Liberation as aforeſaid ſhall be held or deemed to ſatisfy or ſuperſede ſuch Extent in Aid or any Proceedings thereon, except as to ſuch Impriſonment as aforeſaid, or the Debt or Debts ſeized under and by virtue thereof, and for which ſuch Perſon or Perſons ſhall be ſo impriſoned.

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