ANNO SEXTO

GEORGII IV. REGIS.

****

C A P. LXII.

An Act to amend an Act of the *Scottish* Parliament, relative to the Aliment of poor Prisoners.

[22d *June* 1825.]

Scotch Act, W. 3.

WHEREAS by an Act of the Parliament of *Scotland*, passed in the First Parliament of King *William* the Third, intituled *Act anent the Aliment of poor Prisoners*, it was enacted, that where any Person is made or shall be made Prisoner for a Civil Debt or Cause, and shall be found or become so poor as that he cannot aliment himself, then and in that Case it shall be leisom to the Magistrates of the Burgh where the Prison is to which the said Prisoner is committed, upon the Complaint of the said Prisoner, and his making Faith in their Presence that he hath not wherewith to aliment himself, to intimate the same to the Creditors, One or more, at whose Instance the said Person was committed or is detained, and to require him and them either to provide and give Security for an Aliment to him, not under Three Shillings *Scots* or Three-pence Sterling *per Diem*, or else to consent to his Liberation: And whereas much Distress is often suffered by such poor Prisoners, from the Want of Support between the Time that they are committed to Prison and the Time when an Aliment is awarded and paid to them pursuant to the said recited Act; 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

Sum to be deposited with each Prisoner for Aliment.

assembled, and by the Authority of the same, That from and after the Expiration of One Month after the passing of this Act, it shall not be lawful for the Gaoler or Keeper of any Prison to which a Prisoner shall be brought to be confined for a Civil Debt, to receive such Prisoner into his Custody or confine him in such Prison, unless the Sum of Ten Shillings Sterling shall be deposited in his Hands by the Creditor, Incarcerater, or other Person for Behoof of such Creditor, as a Means of and Security for the Aliment of such Prisoner in the Manner herein directed.

Part of Aliment to be paid out of Sum deposited.

II. And be it enacted, in the Event of an Aliment being awarded under the said recited Act, That the Gaoler or other Person in whose Hands the said Sum of Ten Shillings shall have been deposited, shall pay out of the same the Aliment of the said Prisoner, at the same Rate at which Aliment shall subsequently be allowed to such Prisoner, from the Time that he shall have been brought to the Prison to the Time when Aliment shall have been so awarded to him pursuant to the said recited Act, and thereafter until the Sum so deposited shall be exhausted.

If Aliment refused, Sum deposited to be returned.

III. And be it enacted, That where, on Application by any such Prisoner for the Benefit of the said recited Act, it shall be found that he is not entitled to the same, then the whole of the said Sum of Ten Shillings by this Act required to be deposited shall forthwith be returned to the Creditor or Person by whom the same shall have been deposited.

Where Application is not made, Money deposited to be returned.

IV. And be it enacted, That where any such Prisoner shall not apply for the Benefit of the said recited Act, before the Expiry of Thirty Days from the Day of his Commitment, the said Sum of Ten Shillings shall in like Manner be returned to the Creditor or Person by whom the same shall have been deposited, at the Expiry of the said Thirty Days.

Money not exhausted to be returned.

V. And be it enacted, That where an Aliment shall be awarded to any such Prisoner pursuant to the said recited Act, but the said Sum of Ten Shillings shall not be thereby exhausted in the Manner herein directed, at the Time such Prisoner shall be liberated, so much of the said Sum of Ten Shillings as shall remain unexhausted shall be returned to the Creditor or Person by whom the same shall be deposited.

On Liberation, Sum remaining to be returned.

VI. And be it enacted, That where the Creditor shall consent to the Liberation of any such Prisoner, without Payment of any Part of the Debt for which he shall have been incarcerated, before such Prisoner shall have had reasonable Time to obtain the Benefit of the said recited Act, the said Sum of Ten Shillings shall be returned to the Creditor or Person by whom the same shall have been deposited, after deducting the Amount of the Aliment of such Prisoner during his Confinement, at the lowest Rate at which Aliment is usually modified by the Magistrate of the Burgh.

VII. And be it enacted, That every Prisoner who shall claim the Benefit of the said recited Act shall be bound, when desired, to execute a Disposition *omnium bonorum* in favour of the Creditor at whose Instance he is incarcerated for behoof of all his Creditors, the Expence of such Disposition being always defrayed by the Creditor demanding the same; and any such Prisoner refusing to grant such Disposition, after being duly required in Writing so to do, shall not be entitled to Aliment during the Time he shall persist in such Refusal.

Prisoners claiming the Benefit of this Act to execute Disposition in Favour of their Creditors.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1825.