

ANNO TERTIO

GEORGII IV. REGIS.

CAP. XXXIX.

An Act for preventing Frauds upon Creditors, by secret Warrants of Attorney to confess Judgment. [24th *June* 1822.]

WHEREAS Injustice is frequently done to Creditors by secret Warrants of Attorney to confess Judgments for securing the Payment of Money; whereby Persons in a State of Insolvency are enabled to keep up the Appearance of being in good Circumstances, and the Persons holding such Warrants of Attorney have the Power of taking the Property of such Insolvents in Execution at any Time, to the Exclusion of the Rest of their Creditors: For Remedy whereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-ninth Day of *September* next, if the Holder thereof shall think fit, every Warrant of Attorney to confess Judgment in any Personal Action, or a true Copy thereof, and of the Attestation thereof, and the Defeasance and Indorsements thereon, in case such Warrant of Attorney shall be given to confess Judgment in His Majesty's Court of King's Bench at *Westminster*, or such a true Copy thereof as aforesaid, in case such Warrant of Attorney shall be given to confess Judgment in any other Court, shall, within Twenty-one Days after the Execution of such Warrant of Attorney, be filed, together with an Affidavit of the Time of the Execution thereof, with the Clerk of the Docquets and Judgments in the said Court of King's Bench.

Warrants of Attorney in Personal Actions to be filed within 21 Days.

II. And be it further enacted, That from and after the said Twenty-ninth Day of *September* next, if at any Time after the Expiration of Twenty-one Days next after the Execution of such Warrant of Attorney, a Commission of Bankrupt shall be issued against the Person

Where a Commission of Bankrupt shall issue against the

Person giving a Warrant of Attorney, the Warrant shall be deemed fraudulent and void, unless the same shall have been filed as before directed.

Person who shall have given such Warrant of Attorney, under which he shall be duly found and declared a Bankrupt, then and in such Case, unless such Warrant of Attorney, or a Copy thereof, shall have been filed as aforesaid, within the said Space of Twenty-one Days from the Execution thereof, or unless Judgment shall have been signed, or Execution issued on such Warrant of Attorney, within the same Period, such Warrant of Attorney, and the Judgment and Execution thereon, shall be deemed fraudulent and void against the Assignees under such Commission, and such Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Bankrupt at large, all and every the Monies levied, or Effects seized under and by virtue of such Judgment and Execution.

Every Cognovit Actionem to be filed in like manner, or void against Creditors.

III. And whereas the Object of the said Provision may be defeated by any Person giving a *Cognovit Actionem* instead of a Warrant of Attorney to confess Judgment; be it further enacted, That every *Cognovit Actionem*, given by any Defendant in any Personal Action, in case the Action in which such *Cognovit Actionem* shall be given shall be in the said Court of King's Bench, or a true Copy of such *Cognovit Actionem* in case the Action wherein the same is given shall be in any other Court, shall, together with an Affidavit of the Time of the Execution thereof, be filed with the said Clerk, in like Manner as such Warrants of Attorney, or Copies thereof and Affidavits, within the Space of Twenty-one Days after such *Cognovit Actionem* shall have been executed, otherwise such *Cognovit Actionem*, and any Judgment entered up thereon, and any Execution taken out on such Judgment, shall be deemed fraudulent and void against the Assignees of the Person giving such *Cognovit Actionem*, under a Commission of Bankrupt issued against him, after the Expiration of the said Space of Twenty-one Days, in like Manner as Warrants of Attorney, and Judgments and Executions thereon, are deemed and taken to be fraudulent and void by this Act.

Defeasance of every Warrant of Attorney or Cognovit to be written on the same Paper.

IV. And be it further enacted, That if such Warrant of Attorney or Cognovit shall be given subject to any Defeasance or Condition, such Defeasance or Condition shall be written on the same Paper or Parchment on which such Warrant of Attorney, or *Cognovit Actionem*, shall be written, before the Time when the same or a Copy thereof respectively shall be filed, otherwise such Warrant of Attorney, or *Cognovit Actionem*, shall be null and void to all Intents and Purposes.

Officer of Court to keep a Book containing Particulars of each Warrant of Attorney and Cognovit.

V. And be it further enacted, That the said Officer of the said Court of King's Bench shall cause every Warrant of Attorney and *Cognovit Actionem* in any Personal Action, and every Copy thereof, filed in his said Office, to be numbered, and shall keep a Book or Books in his said Office, in which he shall cause to be fairly entered an alphabetical List of every such Warrant of Attorney or Cognovit, containing therein the Names and Additions and Descriptions of the respective Defendants or Persons giving such Warrants of Attorney or Cognovits, and also the Names, Additions, and Descriptions of the Plaintiff or Persons in whose favour the same shall have been given, together with the Number and the Dates of the Execution and Filing of the same, or of a Copy thereof respectively, and

and the Sums for which Judgment is to be entered up, and also the Sums which are specified to be paid by the Defeasances or Conditions in each Warrant of Attorney or *Cognovit Actionem*, and the Times when the same are thereby made payable, according to the Form contained in the Schedule to this Act; which said Book or Books, and every Warrant of Attorney and *Cognovit Actionem*, or Copy thereof, filed in the said Office, shall be searched and viewed by all Persons at all seasonable Times, paying to the Officer for every Search against One Person, the Sum of Sixpence, and no more.

Fee of 1*s.* for filing Warrants of Attorney and Cognovits.

VI. And be it further enacted, That the said Officer shall be entitled to receive, for his Trouble in filing and entering such Warrant of Attorney or Cognovit, or a Copy thereof as aforesaid, the Sum of One Shilling, and no more.

Office Copies to be given, on paying the usual Rates for Copies of Judgments.

VII. And be it further enacted, That any Person shall be entitled to have an Office Copy of each Warrant of Attorney, or *Cognovit Actionem*, or of the Copy thereof, filed as aforesaid, upon paying for the same at the like Rate as for Office Copies of Judgments in each of such Courts respectively.

Satisfaction may be entered on Warrants of Attorney and Cognovits.

VIII. And be it further enacted, That it shall be lawful for any of the Judges of the Court in which such Warrant of Attorney or *Cognovit Actionem* is given, to order a Memorandum of Satisfaction to be written upon such Warrant of Attorney, *Cognovit Actionem*, or Copy thereof respectively, as aforesaid, if it shall appear to him that the Debt for which such Warrant of Attorney or *Cognovit Actionem* is given as a Security shall have been satisfied or discharged.

SCHEDULE.

NAME, &c. of the Person giving the Warrant of Attorney or Cognovit.	NAME, &c. of Person for whom given.	Whether Warrant of Attorney or Cognovit; and Number.	DATE of Execution.	DATE of Filing.	SUM for which given.	DEFEASANCE.
A.B. of Manufacturer.	*C.D.* of Merchant.	Warrant of Attorney. No. 1.	January 1st, 182	January 10.	£1,000.	To secure £500, payable, &c.

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