

C A P. CXXII.

An Act to continue, until the First Day of *January* One thousand eight hundred and thirteen, an Act for appointing Commissioners to enquire and examine into the Nature and Extent of the several Bogs in *Ireland*, and the Practicability of draining and cultivating them, and the best Means of effecting the same. [2d July 1811.]

49 G. 3. c. 102.

‘**W**HEREAS an Act was made in the Forty ninth Year of His present Majesty’s Reign, intituled, *An Act to appoint Commissioners to enquire and examine, until the First Day of August One thousand eight hundred and eleven, into the Nature and Extent of the several Bogs in Ireland, and the Practicability of draining and cultivating them, and the best Means of effecting the same: And* whereas it is expedient that the said recited Act should be continued;’ 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 the said recited Act of the Forty ninth Year aforesaid shall be, and the same is hereby further continued until and upon the First Day of *January* One thousand eight hundred and thirteen.

continued till
Jan. 1, 1813.
Irish Treasury
may issue
12,000l. to de-
fray Expences.

II. And be it further enacted, That it shall and may be lawful for the Lords Commissioners of His Majesty’s Treasury in *Ireland*, or the Lord High Treasurer of *Ireland*, for the time being, and they are hereby authorized and required to issue and cause to be issued, over and above the Sum mentioned in the said recited Act of the Forty ninth Year aforesaid, a further Sum of Money not exceeding Twelve thousand Pounds, upon the Warrant or Warrants of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for the time being, out of any Part of the Public Monies remaining in His Majesty’s Exchequer of *Ireland*; which Sums so issued shall be employed by the said Commissioners for the Payment of Surveyors, Engineers, Workmen, Clerks, Messengers and other Officers, and in defraying all the necessary Charges in or about the Execution of the Powers of the said recited Act, in such manner and in such Proportions as shall be appointed by the said Commissioners under the said recited Act, or any Four or more of them, by Writing under their Hands and Seals in that behalf; and that such Sums shall be accounted for by the said Commissioners, or the Person or Persons to whom the same shall be issued or paid, before the Commissioners of Imprest Accounts in *Ireland*, in like manner as Monies granted or imprested for any public Work; and no Fees or other Charges shall be taken or demanded for the issuing or Payment of the same.

C A P. CXXIII.

An Act for the Relief of certain Insolvent Debtors in *Ireland*. [2d July 1811.]

‘**W**HEREAS it may be convenient in the present Condition of the Prisons and Gaols in that Part of the United Kingdom of *Great Britain and Ireland*, called *Ireland*, that some of the
‘ the

‘ the Prisoners who are now confined therein should be set at Liberty;’ Be it therefore enacted by the King’s Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, all and every Keeper or Gaoler of any Prison in any County, City, Town, Place or Liberty within that Part of the United Kingdom called *Ireland*, shall and is and are hereby required to make a true, exact and perfect List, alphabetically, of the Name or Names of all and every Person or Persons who, upon the First Day of *May* One thousand eight hundred and eleven, was or were, or have since continued to be under the Terms and Conditions herein mentioned, and at the time of making out every such List shall be really an actual Prisoner or Prisoners in the Custody of any Keeper or Keepers, Gaoler or Gaolers of any Prison respectively, upon any Process whatsoever, for or by reason of any Debt, Damage, Coits, Sum or Sums of Money, or Contempt for Non-payment of Money, and an Account of the time when such Prisoner or Prisoners was or were respectively charged in Custody or received in Prison, together with the Name or Names of the Person or Persons at whose Suit or Prosecution such Prisoner or Prisoners is or are detained, together with the Amount of such Debts as the said Prisoner or Prisoners are detained for, and shall deliver the same to the Justices of the Peace at their First or Second General Quarter-Session or General Session of the Peace, to be held after the passing of this Act, or at some Adjournment thereof, for such County, City, Town, Place or Liberty respectively.

Gaolers to make out Lists of Prisoners in Custody.

II. And be it further enacted, That the Marshal of the Four Courts Marshalsea, and every other Keeper and Gaoler of any other Prison in any Place or Liberty in *Ireland*, shall severally, on the delivering in of any such List of Prisoners in their respective Custody, take an Oath in open Court of such General Quarter-Session or General Session of the Peace, or Adjournment thereof, to the Effect following; that is to say,

Keepers of Prisons to take Oaths on delivering in Lists.

‘ I *A. B.* upon my corporal Oath, in the Presence of Almighty God, do solemnly swear, profess and declare, That all and every Person and Persons whose Name or Names is or are inserted and contained in the first Part of the List by me now delivered in and subscribed, was or were to the best of my Knowledge and Belief, upon the First Day of *May* One thousand eight hundred and eleven, really and truly Prisoners in actual Custody in the Prison of [*insert the Name of the Prison*] at the Suit or Suits of the several Person or Persons therein respectively mentioned; and also that all and every Person and Persons whose Name or Names is or are inserted or contained in the second Part of the said List, now by me delivered in and subscribed as aforesaid, have since the said First Day of *May* One thousand eight hundred and eleven been committed or surrendered to the said Prison of [*insert the Name of the Prison*] at the Suit or Suits of the several Person or Persons whose Name or Names is or are therein contained, was or were to the best of my Knowledge and Belief really and truly Prisoners in actual Custody on the said First Day of *May* One thousand eight hundred and eleven, as appears by the Returns made to me on his and their respective Commitments. So help me GOD.’

Which

Oath administered in open Court.

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

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

Prisoners for what Sum to be discharged.

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

Which the said Justices, at their First or Second General Quarter-Session or General Session aforesaid, or at some Adjournment thereof, within their respective Jurisdictions, are hereby empowered and required to administer in open Court, and the Words of the said Oath hereinbefore directed to be taken by the said Marshal and other Keeper or Gaoler of any Prison respectively, shall be entered or written at the End or Bottom of the List which shall be delivered in by them respectively, and shall be subscribed and sworn to by them respectively in open Court; and every such List which shall be so delivered in, subscribed and sworn to in pursuance of this Act, shall be kept by the Clerk of the Peace, Town Clerk or other Person acting as Clerk of the Peace of every such County, City, Town, Place or Liberty respectively, in which any such List as aforesaid shall be sworn to, for the better Satisfaction of the said Justices and Information of all or any Prisoner or Prisoners therein named, and so as the same may from time to time be seen and examined by any Creditor or Creditors, or Prisoner or Prisoners, without Fee or Reward.

III. And be it further enacted, That all and every Keeper or Gaoler, Keepers or Gaolers of any such Prison or Gaol, is and are hereby required Ten Days at least before the First or Second General Quarter-Session or General Session of the Peace shall be held after the passing of this Act for the County, City, Town, Place or Liberty in which any Prison or Gaol shall be or to which the same shall belong, to fix up in some conspicuous Place or Places in every such Prison or Gaol, and at the most frequented or usual Gate, Door or Entrance into every such Prison or Gaol, Three or more true Copies of the List or Lists proposed or intended to be delivered in by any such Keeper or Gaoler at the said General Quarter-Sessions or at some Adjournment thereof.

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

V. And be it further enacted, That it shall and may be lawful for any Justice or Justices of the Peace of any County, City, Town, Place or Liberty within this Kingdom, upon the Petition of any such Prisoner or Prisoners, to any Justice or Justices of the Peace within his or their respective Jurisdictions, upon every such Prisoner or Prisoners so petitioning, and at the time of his or her so petitioning leaving with the Justice or Justices of the Peace so petitioned a true Copy of the Schedule, containing his or her intended Discovery of his or her Real and Personal Estate, to be sworn to at the First or Second General Quarter-Session next ensuing after every such Petition or some Adjournment thereof, by Warrant under his Hand and Seal, or under their Hands and Seals, to require the

Sheriff

Sheriff or Sheriffs, Keepers or Gaolers of any such Prison within the Jurisdiction of any such Justice or Justices, to bring before the Justices at the First or Second next General Quarter-Session or General Session of the Peace, or any Adjournment thereof, to be held as the case shall happen to be next after the Expiration of Ten Days from the Date of such Warrant, for such respective County, City, Town, Place or Liberty, the Body of any Person being in the said Prison as aforesaid, with the Warrant or Warrants of his or her Detainers, together with a Copy or Copies of the Cause or Causes which he, she or they is or are charged with in any Prison or Gaol as aforesaid, at the time aforesaid; for which Copy or Copies of such Cause or Causes such Prisoner shall apply to the said Keeper or Gaoler of such Prison, who shall make out and transcribe the same at least Six Days before the time of his or her Appearance, which Warrant of every such Justice or Justices every such Sheriff and Sheriffs, Keeper or Gaoler, is and are hereby commanded to obey.

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

Special Session.

VII. And be it further enacted, That the Copy of every such Schedule which shall be left or delivered in as aforesaid, shall be and remain with the Clerk of the Peace, Town Clerk or other Officer acting as Clerk of the Peace for the County, City, Town, Place or Liberty in which the same shall have been so left, there to remain and be inspected from time to time as Occasion shall require, by any Creditor of any such Prisoner who shall desire to inspect the same.

Schedules to remain with Clerk of the Peace.

VIII. And be it further enacted, That all and every Debtor and Debtors confined in any Gaol of that Part of the United Kingdom called *Ireland*, who shall intend to apply to be discharged and exonerated under this Act, shall first cause public Notice to be inserted in Three several *Dublin* Gazettes, previous to such General or Quarter-Session or General Session, or the Adjournment thereof, at which such Application shall be made; and if such Debtor shall be in Custody in any Gaol out of *Dublin* or the County of *Dublin*, or shall have moved himself by *Habeas Corpus* from one Gaol to another, then also in some Newspaper in or near the County, City, Town or Liberty, in the Gaol whereof he or she shall be or have been so in Custody, containing the Name, Trade, Occupation and Description, and the Two last Places of Abode, if so many, of every such Debtor and Debtors, and the Prison wherein he, she or they is or are confined, and of his, her or their Intention to take the Benefit of this Act, and mentioning such Notice in such Gazette or Newspaper respectively to be the First, Second or Third Notice, according to the time of publishing each of such Notices; for the inserting each of the said Notices in the *Dublin* Gazette, or in any other Newspaper, there shall be paid each time by every Prisoner the Sum of

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

Four

Four Pence and no more, the First of which said Notices shall be so inserted in the said Gazettes respectively, and in the said other Newspapers, as the case may require, Twenty one Days at the least, and the last of the said Notices Six Days at the least, before any such First or Second General Quarter-Session or General Session or Adjournment thereof, shall be held as aforesaid, so that as well all the Creditors who have not charged the said Debtor or Debtors in Custody, as those Creditors who have charged such Debtor or Debtors in Execution or on Mesne Process or otherwise, may have such sufficient Notice thereof.

IX. And, to the Intent that all Creditors may have full and sufficient time to consider the Matters and Things contained in the Schedule or Schedules intended to be delivered in by any Debtor or Debtors, be it further enacted, That every such Debtor where he or she shall, according to the Directions of this Act, publish the first Notice of an Intention to take the Benefit of this Act, he or she shall in such Notice declare that the Schedule containing his or her intended Discovery of his or her Real and Personal Estate, to be sworn to in manner as by this Act is directed, is lodged in the Hands of the Keeper or Gaoler, or the Deputy of such Keeper or Gaoler of the Prison wherein any such Debtor shall be confined; and every such Debtor is hereby directed and required to deliver such Schedule to such Keeper or Gaoler or Deputy, as the case may be, before he shall publish such first Notice as aforesaid, signed with his or her own Christian and Surname, to be attested by any such Keeper, Gaoler or Deputy, and in case any Debtor shall neglect or refuse to deliver one such Schedule to such Keeper, Gaoler or Deputy, prior to such his first Notice to be given as aforesaid, he or she upon due Proof made of such Neglect to the Satisfaction of the Court to which such Debtor shall make Application, shall be remanded back to Prison, there to remain until he or she shall have complied with the Directions aforesaid; and every such Keeper, Gaoler or Deputy is hereby directed and required to attest the Signature of the Debtor's Name to such Schedule, and to receive the same into his Custody and Charge, giving a Duplicate thereof to every such Debtor, with an Acknowledgment of his having received the Original, and he is hereby further required to deliver a true Copy of any such Schedule, signed by himself upon Request made to him by any Creditor for that Purpose in Writing, such Copy to be delivered to the Creditor himself, or to such Person as he shall appoint to receive the same, within Three Days after Demand made, and if any such Keeper, Gaoler or Deputy shall neglect or refuse to conform to the Directions hereby given him respecting such Schedule, every such Keeper, Gaoler or Deputy so offending shall be punished. (a)

(a) [So in the Original Act.]

Form of Notice.

X. And be it further enacted, That the Notices to be given by every Debtor in manner directed by this Act shall be to the Effect following; that is to say,

‘ I [insert the Name, Trade, Occupation and Description, and Two last Places of Abode, if so many] now confined in [insert Name of Prison and County,] and not being charged in Custody on the First Day of May One thousand eight hundred and eleven, with any Debt or Debts, Sum or Sums of Money, exceeding in the Whole the Sum of One thousand five hundred Pounds, do hereby give this public

‘ public Notice, that I intend to take the Benefit of an Act passed in
 ‘ the Fifty first Year of His present Majesty’s Reign, intituled, *An*
 ‘ *Act for the Relief of certain Insolvent Debtors in Ireland*, and I do
 ‘ hereby give Notice, that a true and perfect Schedule, containing
 ‘ the Discovery of all my Real and Personal Estate hereafter to be
 ‘ sworn to, is now ready to be delivered to any Creditor applying for
 ‘ the same to the Keeper or Gaoler, or his Deputy of the said
 ‘ Prison.’

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

XI. And be it further enacted, That every such Debtor as afore-
 said, not being charged as aforesaid on the said First Day of *May*
 One thousand eight hundred and eleven, with any Debt or Debts,
 Sum or Sums of Money, in the Whole to a greater Amount than
 the Sum of One thousand five hundred Pounds, who shall apply to
 the General or Quarter-Session, or any Adjournment thereof, shall,
 in case it shall be proved upon Oath, or by producing the said Three
 Gazettes and Newspapers respectively before mentioned, to the said
 Justices at any such Session or the Adjournment thereof, that such
 Notices were inserted in the *Dublin* Gazettes and other Newspapers
 respectively, as were required in manner aforesaid; and that the
 Person or Persons so applying was or were actually a Prisoner or
 Prisoners on the First Day of *May* One thousand eight hundred and
 eleven, in the Prison or Gaol in which his, her or their Name or
 Names is or are specified in the List delivered in at such First or
 Second Session or any Adjournment thereof, or in some other Prison
 or Gaol as aforesaid, in pursuance of this Act; and shall in open
 Court at the said General Quarter-Session or General Session, or any
 Adjournment thereof, subscribe and deliver in a true Schedule or
 Account of all his or her Real Estate in Possession, Reversion, Re-
 mainder or Expectancy, and of any other Nature and Kind whatso-
 ever, and also the Whole of his or her Personal Estate which he or
 she or any Person or Persons in trust for him or her, or for his or her
 Use, Benefit or Advantage, is or are seized of, interested in or en-
 titled to, or was or were in his, her or their Possession, Custody or
 Power, or which he, she or they, or such Person or Persons had any
 Power of disposing of or charging for his, her or their Benefit or
 Advantage at any time since his or her Commitment to Prison, with
 the Names of his or her several Debtors, and where they respectively
 live or may be met with, and the several Sums of Money from them
 respectively owing, and how the same respectively became due and are
 secured, and if by Mortgage, Specialty, Contract, Note or other
 Writing, then the Name and Names, and Places of Abode of the
 several Witnesses who can prove such Debts or Contracts (if there
 be any such), and shall also make Oath and swear to the following
 Effect, according to the special Circumstances, so far as the same
 shall be consistent with the Provisions hereinafter contained; that is
 to say,

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

‘ I *A.B.* upon my corporal Oath, in the Presence of Almighty God, Oath.
 ‘ do solemnly swear, protest and declare, That on the First Day
 ‘ of *May* One thousand eight hundred and eleven, I was really and
 ‘ truly a Prisoner in the actual Custody of

‘ in

' in the Prison or Gaol of _____ at the Suit of
 ' _____ without any Fraud or Collusion whatsoever,
 ' and that I have ever since my Commitment continued a Prisoner
 ' within the Prison of _____ in the actual Custody of
 ' the Keeper or Gaoler of the said Prison of _____
 ' at the Suit of _____, and without any Fraud or
 ' Collusion whatsoever; and that the Schedule now delivered by me
 ' and subscribed doth contain to the best of my Knowledge, Remem-
 ' brance and Belief, a full, just, true and perfect Account and Dis-
 ' covery of all the Goods, Effects and Estates, Real and Personal,
 ' in Possession, Reversion, Remainder or Expectancy, and of every
 ' other Nature and Kind whatsoever, which for any Person in trust
 ' for me or for my Benefit or Advantage are seized or possessed of,
 ' interested in or entitled to, or was or were in my Possession, Custody
 ' or Power, or in the Possession, Custody or Power of any such
 ' Person as aforesaid, or which I or such Person had any Power of
 ' disposing of or charging for my Benefit or Advantage, at any time
 ' since my Commitment to Prison, and of all Debts to me owing, or
 ' to any Person or Persons in trust for me, and of all the Securities
 ' and Contracts whereby any Money now is or will or may hereafter
 ' become payable, or any Benefit or Advantage may accrue to me
 ' or to my Use, or to any Person or Persons in trust for me, and
 ' the Names and Places of Abode of the several Persons from whom
 ' such Debts are due and owing, and of the Witnesses that can prove
 ' such Debts or Contracts [*if any such there be*], and that neither I,
 ' nor any Person or Persons in trust for me or for my Use, have any
 ' Lands, Money, Stock or Estate Real or Personal, in Possession,
 ' Reversion, Remainder or Expectancy, or of any Nature or Kind
 ' fsoever, or Power of disposing of or charging for any Benefit or
 ' Advantage other than what are in the said Schedule contained,
 ' except Wearing Apparel and Bedding for myself and Family,
 ' Working Tools and the necessary Implements for my Occupation
 ' and Calling, together with a Sum of Money not exceeding Five
 ' Pounds, and these in the Whole not exceeding the Value of Thirty
 ' Pounds; and that I have not nor any Person for me hath directly
 ' or indirectly sold, lessened or otherwise conveyed, disposed of in
 ' trust, or concealed all or any Part of my Lands, Money, Goods,
 ' Chattels, Stock, Debts, Securities, Contracts or Estates, Real or
 ' Personal, whereby to secure the same or to receive or expect any
 ' Profit or Advantage therefrom, or with an Intent to defraud or
 ' deceive any Creditor or Creditors to whom I am or was indebted
 ' in any wise howsoever. So help me GOD.'

Schedule and
 Oath subscribed
 by Debtors.

And the said Schedule and Oath shall be by every such Debtor sub-
 scribed in the Presence of the Justices in open Session of the Peace
 as hereby directed, and shall be kept by and remain with the Clerk
 of the Peace, Town Clerk or other Officer acting as Clerk of the
 Peace for the County, City, Liberty, Town or Place where the
 same shall be subscribed and taken, for the better Information of all
 the Creditors of such Debtors, who shall desire or may have Occasion
 to resort thereto, and every such Creditor shall be at Liberty at sea-
 sonable times in the Day-time to peruse and examine the same.

Court at Request
 of Creditor may
 examine Gaolers
 on Oath.

XII. And be it further enacted, That the Justices of the Peace
 within their respective Jurisdictions, at any such General Quarter-
 Sessions

Sessions or General Session or Adjournment thereof, at the Request of any Creditor or Creditors of any such Debtor, are hereby authorized to cause the Marshal of the Four Courts Marshalsea or his Deputy, or any other Under Officer, Tipstaff and Turnkey of any Prison or Gaol, and any other Person within their respective Jurisdictions, to come before them and to examine them respectively on Oath, touching any of the Matters contained in any of the Oaths prescribed by this Act to be taken, and the Truth thereof; and if the Oath which shall have been taken in open Court by any Debtor or Debtors, shall not be disproved by good Testimony of any credible Person or Persons on Oath; and such Justices, or the major Part of them, present at any such General Quarter-Session or General Session or any Adjournment thereof, shall be satisfied with the Truth of the Oath taken by such respective Debtor, then such Justices shall in such Session or some Adjournment thereof, adjudge such Debtor or Debtors to be entitled to the Benefit of this Act, and shall order the said Sheriff or Sheriffs, Keeper or Keepers, Gaoler or Gaolers of such Prison or Prisons forthwith to set at Liberty such Prisoner or Prisoners; and every such Order shall be sufficient Discharge to the Sheriff or Sheriffs, Keeper or Keepers, Gaoler or Gaolers of such Prison or Prisons, and shall indemnify him or them against any Escape or Escapes, Action or Actions whatsoever for Escape, which shall or may be brought, commenced or prosecuted against him or them.

XIII. And be it further enacted, That all the Estate, Right, Title, Interest and Trust of such Debtor, of, in and unto all the Real Estate, and to all the Personal Estate, Debts and Effects of every such Debtor, shall immediately after such Adjudication be and the same is hereby vested in the Clerk of the Peace, Town Clerk or other Officer acting as Clerk of the Peace of and for the County, City, Town Corporate, Liberty or Place where any Debtor shall be respectively discharged; and every such Clerk of the Peace, Town Clerk or other Officer acting as Clerk of the Peace, is hereby directed and required to make an Assignment and Conveyance of every such Debtor's Estate and Effects vested in such Clerk of the Peace, Town Clerk or other Officer acting as Clerk of the Peace as aforesaid, to such Creditor or Creditors of the said Debtor, as the Justices at any General or Quarter-Session of the Peace, or at any Adjournment thereof, which shall be held by them within their respective Jurisdictions, shall order and direct, which Assignment and Conveyance shall be good and effectual in the Law to all Intents and Purposes whatsoever, without being wrote on Parchment or Paper stamped, to vest the Estates thereby assigned and conveyed in the Party or Parties to whom the same shall be so assigned and conveyed, his, her and their Heirs, Executors, Administrators and Assigns, according to the Estate and Interest the Debtor had therein; and every such Assignment and Conveyance shall be in Trust for the Benefit of the Creditor or Creditors of every such Debtor to whom the same shall be made, and the Rest of the Creditors of every such Debtor, in respect of or in Proportion to their respective Debts; and every Person or Persons to whom any such Assignment and Conveyance as aforesaid shall be made, is and are hereby fully empowered to sue from time to time, as there may be Occasion in his, her or their own Name or Names, for the Recovery and attaining any Estate

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

or

Assignees to get
in Debtor's
Effects,

and to make
Dividends.

Notice of the
making Divi-
dends.

Assignees or
Heirs not deli-
vering over Ef-
fects, or Balance.

or Effects of any such Debtor, and also to execute any Trust or Power vested in or created for the Use or Benefit of any such Debtor, but in Trust for the Benefit of him or them and the Rest of the Creditors of every such Debtor, and to give such Discharge and Discharges to any Person or Persons who shall respectively be indebted to such Debtor as may be requisite; and every such Assignee or Assignees shall with all convenient Speed, after his or their accepting such Assignment or Conveyance, use his and their best Endeavours to receive and get in the Estate and Effects of every such Debtor, and shall with all convenient Speed make Sale of all the Estates of such Debtor vested in such Assignee or Assignees; and if such Debtor shall be interelled in or entitled to any Real Estate, either in Possession, Reversion or Expectancy, the same, within the Space of Two Months after such Assignment and Conveyance, shall be sold by Publick Auction, in such manner and at such Place as the major Part of the Creditors of any such Debtor who shall assemble together on any Notice in Writing published in the *Dublin Gazette*, or in some Daily Paper printed and published at *Dublin*, and if elsewhere, then in some Newspaper which shall be published in or near the County, City, Town, Liberty or Place in which such Debtor dwelled before he or she was committed to Prison Thirty Days before any such Sale shall be made, shall under his Hand or their Hands agree on; and every such Assignee or Assignees, at the End of Three Months at farthest, from the time of his or their accepting any such Assignment or Conveyance as aforesaid, shall make a fair and just Dividend of all such Debtor's Estate and Effects which shall have been then recovered amongst his or her Creditors, in Proportion and in regard to each Creditor's respective Debt; but before any such Dividend shall be made, such Assignee or Assignees shall make up an Account of such Debtor's Estate, and make Oath in Writing before One or more Justice or Justices of the Peace of the County, Town, Liberty or Place in which any such Debtor shall have been discharged, that every such Account contains a fair and just Account of the Estate and Effects of every such Debtor got in by or for such Assignee or Assignees, and of all Payments made in respect thereof, and that all Payments in every such Account charged were truly and *bona fide* made and paid; and Notice of the making of every such Dividend shall be published in like manner as a Meeting of the Creditors is hereinbefore directed to be published, Thirty Days at least before the same shall be made; and no Creditor shall be allowed to receive any Share of such Dividend, until he shall have made out the Justness and Identity of his Debt by Oath, or due Proof in Writing before some such Justice or Justices; and if any Creditor of such Debtor shall be dissatisfied with the Reality or Fairness of any Debt claimed by any other Creditor, then the same at the Request of any such Creditor or Creditors so dissatisfied shall be examined into by the Justices of the County, City, Liberty or Place in which such Debtor shall have been adjudged to have been entitled to the Benefit of this Act, at the next General or Quarter-Session, or some Adjournment thereof.

XIV. And be it further enacted, That in case any Assignee or Assignees of the Estate and Effects of any Prisoner discharged by virtue of this Act, or the Heirs, Executors or Administrators of any deceased Assignee or Assignees, shall not deliver over any Part of such

such Estate or Effects, or pay the Balance of the Produce of any such Estate or Effects found to be in the Hands of such Assignee or Assignees, or of such Heirs, Executors or Administrators as aforesaid, according to the Tenor of this Act, it shall be lawful for the Court before which the Prisoner was discharged, to order the Person or Persons so offending, to be arrested and committed to the next County Gaol, there to remain without Bail or Mainprize, until such Person or Persons shall have fulfilled the Duty required by the Act, or until such Court shall make other Order to the contrary.

Imprisonment

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

Creditors for Annuities to receive Dividends as under Commission of Bankruptcy.

XVI. And, to the Intent that no Loss may arise to any Creditor or Creditors, from any Neglect or Omission in the Schedule not containing the whole of the Estate Real or Personal belonging to any Debtor who shall apply for his or her Discharge under the Authority of this Act, be it enacted, That all the Estates, whether Real or Personal, which shall belong to any Debtor or Debtors, and of which he, she or they shall be actually possessed or entitled unto at the time of making such Schedule, shall be deemed and taken to be Part of the Estate contained in such Schedule though not inserted therein; and shall in like manner become vested in the Clerk of the Peace, Town Clerk or other Officer acting as such, to all Intents and Purposes, as if the same had been contained in such Schedule, and had been delivered into the Court according to the Directions of this Act.

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

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

Holders of Securities without Consideration not entitled to Benefit.

XVIII. Provided always, and be it enacted, That in case of the Death or Removal of any Clerk of the Peace, Town Clerk or other Officer acting as Clerk of the Peace as aforesaid, in whom the Estate, Right, Title, Interest or Trust of any Debtor or Debtors shall have vested by the Authority of this Act, every such Estate, Right, Title, Interest and Trust shall become vested in the Successor or Successors to every such Clerk of the Peace, Town Clerk or other Officer acting as Clerk of the Peace as aforesaid respectively, as the

Estates to vest in Clerk of the Peace.

case may be, to all Intents and Purposes whatsoever under the Provisions of this Act.

No Suit, &c.
without Consent
of Majority of
Creditors.

XIX. Provided further, and be it also enacted, That no Suit in Equity shall be commenced by any Assignee or Assignees of any such Debtor or Debtors' Estate and Effects, without the Consent of the major Part in Value of the Creditors of such Debtor, who shall meet together pursuant to a Notice to be given at least Ten Days before such Meeting, in the *Dublin Gazette* or other Newspaper which shall be published in the Neighbourhood of the last Residence of such Debtor or Debtors for that Purpose.

Mortgages to
take place of
Claims of an in-
ferior Nature.

XX. Provided also, and be it further enacted, That nothing in this Act shall extend, or be construed to hinder or prevent any Mortgage or Mortgages, Charges or Liens upon the Estate of such Debtor or Debtors, or any Part thereof, to take place upon the Lands, Tenements or Hereditaments, or Personal Estate or Effects comprised in, or charged or affected by such Mortgage or Mortgages, Charges or Liens respectively, nor to prevent any Statute Staple, Statute Merchant, Recognizance or Judgment, acknowledged by or obtained against any such Debtor or Debtors, to take place upon the Lands, Tenements or Real Estates of such Debtor or Debtors; and also where any Inquisition shall have been taken upon any such Statute or Recognizance, or any Writ or Execution shall have been taken out and delivered to the Sheriff or proper Officer upon any such Judgment, before such Discharge shall be given in open Session to any such Debtor as aforesaid, the Personal Estate of any such Debtor respectively shall be subject thereto, in the first Place, for so much as shall remain due upon such Mortgage, Charge, Lien, Statute, Recognizance or Judgment respectively, in like manner as such Mortgagees and Persons having such Charges or Liens, and Creditors by Statute, Recognizance or Judgment, would have been preferred to others, Creditors of an inferior Nature, against the Real or Personal Estate of such Debtor or Debtors respectively if this Act had not been made; any thing hereinbefore contained to the contrary thereof in any wise notwithstanding.

Power of leasing,
Lands, &c.
vested in As-
signees.

XXI. And whereas many Persons who may be entitled to and claim the Benefit of this Act, are seised and possessed of Lands, Tenements and Hereditaments, to hold to such Debtors for the Term of their natural Lives, with power of granting Leases and taking Fines, reserving small Rents on such Estates for One, Two or Three Lives in Possession or Reversion, or for some Number of Years determinable upon Lives, or have Powers over Real or Personal Estate, which such Debtors could execute for their own Advantage, and which said Powers ought to be executed for the Benefit of the Creditors of such Debtors; Be it therefore enacted, by the Authority aforesaid, that in every such case all and every the Powers of leasing such Lands, Tenements and Hereditaments, and all such other Powers as aforesaid over Real or Personal Estate, which are or shall be vested in any such Prisoner or Prisoners as aforesaid, shall be and are hereby vested in the Assignee or Assignees of the Real and Personal Estate of such Prisoner by virtue of this Act, to be by such Assignee or Assignees executed for the Benefit of all and every the Creditors of such Prisoners as aforesaid.

Sequestration Re-
quest of Creditor
to be sworn

XXII. And be it further enacted, That the Justices at any General or Quarter-Sessions of the Peace, or Adjournment thereof, to which

Which any such Prisoner shall be brought in pursuance of this Act, shall, if required by any Creditor or Creditors of any such Prisoner or Prisoners who shall oppose his or her Discharge, administer and give to the Keeper or Gaoler of any such Prison or Gaol, at the time of bringing up any such Prisoner in order to be discharged under this Act, an Oath to the Effect following; that is to say,

I do swear, That Oath.
 I was really and truly a Prisoner in my Custody in the Prison
 of or in Custody in some other Prison [*as*
the case may be] to the best of my Knowledge and Belief, at or
 upon the First Day of *May* One thousand eight hundred and
 eleven, and that the Copy or Copies of the Cause or Causes of his
 [or her] Commitment or Detainer now by me brought, with the
 Body of the said and
 produced to the said Court, is or are a true Copy or Copies of the
 Cause or Causes of such Commitment or Detainer, without any
 Fraud or Deceit by me or any other Person whatsoever, to the best
 of my Knowledge and Belief. So help me GOD.

And if any Person who was a Keeper or Gaoler, or deputed Keeper or Gaoler of any such Prison or Gaol on the said First Day of *May* One thousand eight hundred and eleven, or since, shall not happen to be the Keeper or Gaoler, or deputed Keeper or Gaoler of any such Prison or Gaol at the time any such List as aforesaid is hereby required to be delivered in, then the Justices at any such Sessions, or at any Adjournment thereof, may and are hereby required to administer and give to the respective Person or Persons who shall be Keeper or Gaoler, or deputed Keeper or Gaoler, of any such Prison or Gaol, and deliver in such List as aforesaid at any such General or Quarter-Sessions, or any Adjournment thereof, an Oath touching the Commitments or Books of Commitment of any such Prison or Gaol, to the Effect following; that is to say,

If Person delivering in List was not Gaoler on the 1st Day of May 1811, he shall take the following Oath.

I do swear, That I have examined the Oath.
 Commitments or Books kept of or concerning the Commitments
 of Prisoners to the Prison of and that
 I do verily believe that the said Commitments or Books of Commitment are really true and not fictitious, nor calculated for this Purpose; and by them it doth appear that
 was, on the First Day of *May* One thousand eight hundred and eleven, really and truly a Prisoner in the actual Custody of
 the then Keeper or Gaoler, or
 Deputy Keeper or Gaoler of the said Prison or Gaol, [or, other
 Prison, *as the case may be*] without Fraud or Deceit by me or any
 other Person or Persons to my Knowledge and Belief.
 So help me GOD.

XXIII. And, in order to discover any fraudulent Entries or Commitments of Prisoners in any Prison or Gaol Books, be it further enacted, That the Justices at any General or Quarter-Sessions of the Peace, or any Adjournment thereof, are hereby authorized, at the Request of any Creditor or Creditors of any Prisoner, to convene before them at some certain time to be appointed by them, any Person or Persons who was or were Keeper or Gaoler or deputed Keeper or Gaoler of any Prison or Gaol within their respective Jurisdictions, on the said First Day of *May* one thousand eight hundred

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

Sheriffs, &c. disobeying Orders of Justices.

and eleven, or at any time since, and examine every such Keeper or Gaoler or deputed Keeper or Gaoler on Oath, touching the Commitment and Continuance in Custody of any such Prisoner, as the Justices at any such General or Quarter-Sessions or Adjournment thereof shall think fit; and if any Sheriff, Keeper or Gaoler, shall neglect or refuse to bring before any such Justices, at any Session of the Peace or Adjournment thereof, any such Prisoner as shall be directed and required by Warrant of any Justice or Justices as aforesaid, or to attend on being summoned for that Purpose, he shall on Conviction suffer Six Months Imprisonment; or if any Keeper or Gaoler attending shall refuse to make Answer and Discovery in the Premises as shall be reasonably required, at such General Quarter-Sessions, or any Adjournment thereof, he, she or they so offending in the Premises, shall, for every such Offence, pay the Sum of Ten Pounds, to any Person who shall recover and sue for the same, in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt.

Penalty.

Gaoler and Printer of Gazette or Newspaper not complying with Regulations of Act.

XXIV. And be it further enacted, That if any Keeper or Gaoler of any Prison, or his Deputy or Deputies, shall without just Cause, to be approved of by the Justices at some General Quarter-Session or General Session of the Peace or Adjournment thereof, within their respective Jurisdictions, refuse or delay to bring any such Prisoner or Prisoners as aforesaid to any such General Quarter-Sessions or General Session or Adjournment thereof, in order to his or her Discharge, or shall neglect or refuse, or designedly omit to insert in any such List the Name or Names of any such Prisoner or Prisoners who was or were actually in Custody in his or their respective Prison or Gaol, on the said First Day of *May* One thousand eight hundred and eleven, or since, or shall neglect or refuse to make out, fix up or deliver such Lists as aforesaid; or if any Keeper or Gaoler or deputed Keeper or Gaoler shall neglect or refuse to take any of the said Oaths before mentioned, and hereby required to be taken by him, or shall detain any such Prisoner after he or she shall be discharged as aforesaid, or if the Printer of the *Dublin Gazette* or other Newspaper as aforesaid shall wilfully refuse or neglect to insert therein the Notice by this Act directed to be given, on reasonable Request to him made for that Purpose, every such Keeper and Gaoler of such Prison and Prisons, his Deputy or Deputies, and every such Printer as aforesaid, shall respectively forfeit and pay to each Prisoner in every such case injured, the Sum of One hundred Pounds, which shall and may be recovered with Treble Costs of Suit by Action of Debt, Bill, Plaint or Information in any one of the said Courts of Record at *Dublin*, wherein no Essoign, Protection or Wager of Law, or more than one Imparance shall be allowed.

Penalty.

Gaolers committing Perjury.

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

Penalty.

their Executors and Administrators, to whom an Assignment or Conveyance in pursuance of this Act shall be made of the Estate and Effects of such Prisoner or Prisoners; and if no such Assignee or Assignees shall be living, then in the Name or Names of any other Creditor or Creditors who shall sue for the said Penalties, to be applied, one Moiety to the Informer or Informers, and the other Moiety towards Satisfaction of the Debts of such Creditor or Creditors.

XXVI. And be it further enacted, That if any Clerk of the Peace or his Deputy or Town Clerk, or other Officer acting as Clerk of the Peace, shall delay or refuse to give every or any such Prisoner adjudged to be entitled to his Discharge as aforesaid, within fourteen Days after such Adjudication, a Copy of the Order of such Adjudication on the Payment of Two Shillings and Six Pence, or shall take more than Two Shillings and Six Pence for such Copy, or shall take more than One Shilling for an Assignment or Conveyance of such Prisoner's Estate and Effects, any such Clerk of the Peace or his Deputy, or Town Clerk or other Officer acting as Clerk of the Peace, who shall so offend, and who shall be convicted at any such General or Quarter-Session of the Peace, or any Adjournment thereof, of any such Offence, shall for every such Offence forfeit and pay to every such Prisoner the Sum of Twenty Pounds, as the Justices of the Peace at such General or Quarter-Sessions of the Peace or Adjournment thereof shall order; and who are hereby empowered to cause the same to be levied by Distress and Sale of the Goods of any such Clerk of the Peace or his Deputy or Town Clerk or other Officer acting as Clerk of the Peace so offending. Clerk of the Peace not giving Copies of Adjudication of Discharges. Penalty.

XXVII. And be it further enacted, That if any Debtor as aforesaid who shall take the Benefit of this Act, shall wilfully forswear and perjure himself, herself or themselves, in any Oath to be taken under this Act, and shall be lawfully convicted thereof, he, she or they so offending shall suffer such Punishment as by Law may be inflicted on Persons convicted of wilful and corrupt Perjury. Debtors falsely swearing. Perjury.

XXVIII. And be it further enacted, That no Persons entitled to the Benefit of this Act shall at any time hereafter be imprisoned by reason of any Judgment or Decree obtained for Non-payment of Money only, or for any Debt, Bond, Damages, Contempts for Non-payment of Money, Costs, Sum or Sums of Money contracted, incurred, occasioned, owing or growing due before the said First Day of May One thousand eight hundred and eleven, but that upon every Arrest upon every Judgment or such Decree, or for such Debts, Damages, Contempts, Costs, Sum and Sums of Money, it shall and may be lawful for any Judge of the Court where the Process issued, or for any Two Justices of the Peace, upon shewing the Copy of the Order of Adjudication as aforesaid, to release and discharge out of Custody such Prisoners as aforesaid, and at the same time to order the Plaintiff or Plaintiffs in such Suit or Suits to pay such Prisoner or Prisoners the Costs he, she or they shall have incurred on such Occasion, or so much thereof as to such Judge or Justices shall seem just and reasonable; and every such Judge is hereby empowered so to do on such Prisoner's causing a Common Appearance to be entered for him on every such Action or Suit. Debtors discharged not liable to be imprisoned for Debts prior to 1st May 1811.

XXIX. And whereas under former Acts of this Kind, Doubts have arisen what was to be done with such Prisoners who applied

Prisoners not
discharged of
Debts subsequent
to 1st May 1811.

at any Session to be discharged, who owed and stood charged with Debts as well previous as subsequent to the Day limited by the respective Acts; To remedy which, be it therefore enacted, That no Prisoner or Prisoners shall be discharged of any Debts incurred subsequent to the First Day of *May* One thousand eight hundred and eleven; and if it shall appear to the Justices at any Session or Adjournment, that any Prisoner or Prisoners then applying to them to be discharged, shall stand charged as well with Debts previous to as subsequent to the said First Day of *May* One thousand eight hundred and eleven, that in such cases it shall and may be lawful to and for the Justices to discharge the Person of such Prisoner on account of all Debts incurred previous to the said First Day of *May* One thousand eight hundred and eleven, and to remand him or her back to the Custody of the Keeper of the Prison from whence he or she was brought, for all Debts which he or she stands charged with in his Custody incurred subsequent to the said First Day of *May* One thousand eight hundred and eleven.

Act pleaded to
Action of Escape,
&c

XXX. And be it further enacted, That if any Action of Escape, or any Suit or Action be brought against any Justice or Justices of the Peace, Sheriff, Keeper or Gaoler of any Prison, for performing their Office in pursuance of this Act, they may plead the General Issue, and give this Act in Evidence, and if the Plaintiff be nonsuited or discontinue his Action, or Verdict pass against him, or Judgment upon Demurrer, the Defendant shall have Treble Costs.

Treble Costs.

Act pleaded ge-
nerally by Pri-
soners.

XXXI. And be it further enacted, That if any *Scire Facias*, or Action of Debt or upon Judgment shall be brought against any Prisoner, his or her Heirs, Executors or Administrators, upon any Judgment obtained against any such Prisoner, or on any Statute or Recognizance acknowledged by him or her before the said First Day of *May* One thousand eight hundred and eleven, with respect to Prisoners in actual Custody on the said First Day of *May* One thousand eight hundred and eleven, it shall and may be lawful for any such Prisoner his or her Heirs, Executors or Administrators, to plead generally that such Prisoner was actually a Prisoner in such Prison or in some other Prison at such a Person's Suit, on the First Day of *May* One thousand eight hundred and eleven, and was or were duly discharged according to this Act, at the General Quarter-Session or General Session or Adjournment thereof, held at such Time and Place for such County, Liberty, City, Town or Place (as his, or her, or their case is) without pleading any Matter specially; and in case any other Suit or Action shall be commenced against him, her or them, for any other Debt, Sum or Sums of Money due before the First Day of *May* One thousand eight hundred and eleven, to plead in discharge of his or her Person from Execution (over and above such Matters as aforesaid) that such Debt or Sum of Money (as the case shall happen) was contracted or due before the First Day of *May* One thousand eight hundred and eleven, without pleading any other Matter specially, whereto the Plaintiff shall or may reply generally, and deny the Matters pleaded as aforesaid, or reply any other Matter or Thing which may shew the said Defendant not to be entitled to the Benefit of this Act, or not duly discharged according to it, in the same manner as the Plaintiff might have replied in case the Defendant had pleaded this Act, and his Discharge by virtue of this Act specially; and if the Plaintiff be nonsuited, discontinue his Action,

Action, or Verdict pass against him, or Judgment or (a) Demurrer, the Defendant to have Treble Costs: Provided always, that nothing in this Act contained shall extend or be construed to extend to release or discharge any Attorney at Law, Solicitor or any other Person or Persons acting or pretending to act as such, with regard to any Debt with which he or they shall stand charged for any Money or other Effects recovered and received by him or them, for the Use of any Person or Persons, Bodies Corporate or Politick, and by any Attorney, Solicitor or other Person or Persons acting as such, embezzled, concealed or converted to his or their own Use; or to release or discharge any Servant or Agent, or any other Person or Persons employed or entrusted as such with regard to any Debt or Demand with which he, she or they shall stand charged for or on account of any Money, Goods or other Effects received or possessed by him, her or them, for the Use and on Account of his, her or their Master or Masters, or Employers, and by such Servant or Agent embezzled, concealed or converted to his, her or their own Use; any thing herein contained to the contrary thereof in any wise notwithstanding. (a) [So in the original Act.]

XXXII. And whereas many evil disposed Persons, to support their profligate way of Life, have by various subtle Stratagems, Threats and Devices, fraudulently obtained divers Sums of Money, Goods, Wares, Merchandizes, Bonds, Bills of Exchange, Promissory Notes or other Securities for Money, to the great Injury of industrious Families, and to the manifest Prejudice of Trade and Credit; Be it enacted, That no Prisoner who, knowingly and designedly by false Pretence or Pretences, shall have obtained from any Person or Persons, Money, Goods, Wares, Merchandize, Bonds, Bills of Exchange, Promissory Notes or other Securities for Money, shall have or receive any Benefit or Discharge by or under this Act; but the Justices at any General or Quarter Sessions of the Peace, or any Adjournment thereof, before whom any such Prisoners shall be brought, upon due Proof of the Matter made to their Satisfaction, shall remand such Prisoners to the Custody of the Gaoler or Keeper of the Prison from whence he or she shall have been brought; any thing herein contained to the contrary notwithstanding.

XXXIII. Provided always, and be it further enacted, That the Truth of each of the Objections and Exceptions aforesaid, against the obtaining the Benefit of this Act, shall be proved by the Testimony upon Oath of One or more credible Witness or Witnesses, besides the Testimony upon Oath of the Person or Persons making such Objections, or other legal Proof or Evidence admissible in a Court of Law: Provided always, that no Prisoner who shall have been remanded to Prison under any Act heretofore passed for the Relief of Insolvent Debtors, for having fraudulently obtained Money, Goods or Securities for Money on false Pretences, or for having secretly or fraudulently removed Stock, Cattle or other Effects which were subject or liable to be detained for Rent, or who shall have lost or forfeited the Benefit of any such former Act, by having made any fraudulent Sale, Transfer, Conveyance or Assignment, since his or her Imprisonment, to the Prejudice of the fair and honest Creditor, or who shall have obtained a Discharge under such former Act fraudulently, or shall have taken an Oath under such Act, any Part of which was not true, shall have or receive any Benefit or

Treble Costs.
Act not to extend to Attornies or Servants embezzling Money;

Nor to Persons obtaining Money on false Pretences;

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

Proviso.

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

Nor to Persons removing Effects of the Value of 20*l.* liable to be distrained for Rent.

Nor to Persons selling or assigning Effects to defraud Creditors.

Discharge by or under this Act; but the Justices at any General or other Session of the Peace or any Adjournment thereof, before whom any such Prisoner shall be brought, upon due Proof of the Matter made to their Satisfaction, shall remand such Prisoner to the Custody of the Gaoler or Keeper of the Prison, from which he or she shall have been brought; any thing herein contained to the contrary notwithstanding: Provided always, that such Objections or Exceptions were supported by such Proof or Evidence as is hereinbefore provided and directed to be made under this present Act, and not otherwise; and that no Person shall be permitted to make the Objections in this Act mentioned against any Prisoner except a detaining Creditor, or such Person or Persons as have commenced their Action or Actions against such Prisoner previous to the First Day of *May* last past, grounded on the Matters in the said Exceptions mentioned: Provided also, that no Person charged in Execution for Damages recovered in any Action for Criminal Conversation with the Wife of the Plaintiff in such Action, or in any Action for seducing or carnally knowing the Daughter or female Servant of the Plaintiff, or in any Action for a malicious Prosecution, or in any Action for any other malicious Injury, shall have any Benefit under this Act, except only in cases where the Plaintiff in such Actions respectively shall be dead, and no Person shall have obtained Probate of the Will or Letters of Administration of the Effects of such Plaintiff, within Twelve Months after the Decease of such Plaintiff.

‘XXXIV. And whereas many Debtors for Rents of Land, Messuages, Houses and other Premises have, with fraudulent Intent to disappoint the Right of their respective Landlords, removed the Stock, Cattle, Furniture, Goods or other Effects which were subject and liable to be distrained for the Satisfaction of the said Rents;’ Be it therefore enacted, That no Prisoner or Prisoners who, in a secret, clandestine or fraudulent manner, shall have removed or caused to be removed within Six Years any such Stock, Cattle, Furniture, Goods or Effects of the Value of Twenty Pounds or upwards, which were subject or liable to be distrained by their respective Landlord or Landlords, for or in Payment of such Rent or Rents, whereby such Landlord or Landlords shall have lost all or some Part of the Rent or Rents due to him, her or them as aforesaid, shall be discharged by or under this Act, but shall, on due Proof of the Matter as aforesaid, be remanded in manner hereinbefore mentioned; any thing hereinbefore contained to the contrary notwithstanding; provided such Proof shall be thereof made as is hereinbefore required upon Objections or Exceptions to be made under this present Act.

‘XXXV. And whereas many Debtors have, with a View to defraud their Creditors, sold, transferred, conveyed or assigned their Estate and Effects to some Person or Persons, subsequent to their being in Custody of Law or imprisoned under some Process for Debt: And whereas such Sale, Transfer, Conveyance or Assignment hath been fraudulently made to the infinite Prejudice of the fair and honest Creditor, though sufficient Proof could not be obtained to convict the Party of a fraudulent Design;’ Be it enacted, That whenever it shall be proved by one or more credible Witnesses or Witnesses to the Satisfaction of the Court to which any Prisoner shall be brought up in order to obtain his or her Discharge, that

that such Prisoner has sold, transferred, conveyed or assigned to any Person or Persons all or any Part of his Estate or Effects subsequent to the time of his Imprisonment without just Cause for so doing, to be allowed by the Justices presiding in such Court as aforesaid, every such Debtor shall lose all the Benefits and Advantages that he might have otherwise claimed under the Authority of this Act, and shall not be entitled to his or her Discharge; and every such Sale, Transfer, Conveyance or Assignment is hereby declared null and void.

XXXVI. And be it further enacted, That every Gaoler or Keeper of any Prison shall and is hereby required to suffer in the Day-time any Person or Persons desiring the same, to see and speak, in the Lodge or some convenient Room in the said Prison, with any Prisoner or Prisoners whose Names are inserted in the before mentioned List or Lists, or the *Dublin Gazette*, or other Newspapers, or any of them, and also to see in the true and genuine Books of the said Prison the Entries made of the Name or Names of such Prisoner or Prisoners, Debtor or Debtors, together with the Name or Names of the Person or Persons at whose Suit or Suits he, she or they are or were detained; and if any such Gaoler or Keeper shall refuse or neglect to comply with what is hereby above required, every such Gaoler or Keeper who shall so offend in the Premises, shall forfeit and pay to the Person so refused and aggrieved the Sum of Forty Pounds, to be recovered, with Costs of Suit, by Action of Debt, Bill, Plaint or Information, in any of the Courts at *Dublin*, wherein no Essoign, Protection, Wager of Law, or more than One Imparance shall be allowed, by and in the Name or Names of the Person or Persons so refused and aggrieved. Penalty.

XXXVII. And be it further enacted, That if any Gaoler or Keeper or deputed Gaoler or Keeper of any Prison or Prisons, shall make or cause to be made any false Entries in any Book or Books belonging to any Prison or Gaol under his Care, or of which he is or was Gaoler, or shall prepare or keep or cause to be prepared or kept any false Book or Books in order for any false or untrue Entry or Entries to be made therein, or shall insert in any List to be delivered in as aforesaid, the Name or Names of any Person or Persons who was not in actual Custody as aforesaid (except as in the Oath of any such Gaoler or Keeper shall be excepted) every such Gaoler or Keeper or deputed Gaoler or Keeper shall, over and above the Penalties which he shall be liable to for every such Fraud, forfeit and pay the Sum of Five hundred Pounds, to be recovered with Treble Costs of Suit, by and in the Name and for the Use of any Person or Persons who shall be prejudiced by any such false Entry or Entries, which Penalties shall and may be recovered by Action of Debt, Bill, Plaint or Information in any of His Majesty's Courts of Record at *Dublin*, wherein no Essoign, Protection, Wager of Law or more than One Imparance shall be allowed. Gaoler making false Entries. Penalty.

XXXVIII. And be it further enacted, That if any Debtor being thereunto required by any Creditors, shall refuse to discover and declare the Trade or Occupation, and Habitation or last Place of Abode of the Person or Persons at whose Suit he or she is or was detained or charged in Custody, or if any Prisoner being called for, and desired by any Creditor or Creditors to come to the Lodge of the Prison in which any such Prisoner shall be confined, shall refuse to come, without some reasonable Cause being made appear to the contrary, Debtors refusing to discover Trade and Abode of Person at whose Suit detained excluded Benefit of Act.

contrary, every such Debtor, upon Proof being made thereof before the Justices at any General or Quarter-Session of the Peace, or any Adjournment thereof, to be held as aforesaid, shall not have or receive any Benefit or Discharge by or under this Act; any thing herein contained to the contrary thereof in any wise notwithstanding.

Prisoners in
Custody for Pri-
son Fees dis-
charged.

XXXIX. And be it further enacted, That all Debtors and others who were in Prison on or before the said First Day of May One thousand eight hundred and eleven in any of the Gaols of this Kingdom and now remain for not paying their Fees, Rent or other Demands due or claimed as due to the Keeper or Keepers of any Prison respectively, or to any other Officer of such Prison, and upon no other Account, shall be discharged therefrom, he, she or they taking the Oath by this Act required to be taken by Prisoners.

Act not to ex-
tend to Debtors
of the Crown or
Offenders.

XL. Provided always, and it is hereby further enacted, That this Act shall not extend or be construed to extend to discharge any Prisoner seeking the Benefit of this Act, with respect to any Debt or Penalty with which he or she shall stand charged at the Suit of the Crown, or of any Person for any Offence committed against any Act or Acts of Parliament relative to His Majesty's Revenues of Customs, Excise, Stamps or Salt Duties, or any of them, or any Branches of the Public Revenue, or at the Suit of any Sheriff or other Public Officer, upon any Bail Bond entered into for the Appearance of any Person prosecuted for any Offence committed against any Act or Acts of Parliament relative to His Majesty's said Revenues of Customs, Excise, Stamps or Salt Duties, or any other Branches of Public Revenue, unless any Three of the Lords Commissioners of His Majesty's Treasury for the time being shall certify their Consent under their Hands to the said Justices at their said Sessions or Adjournment thereof for the Discharge of such Prisoner as aforesaid.

Determination
of Justices final,
unless Debtor
gets rid of Objec-
tions to Dis-
charge.

XLI. And whereas under former Acts, Creditors have been put to great Expence and Trouble in attending every Session and Adjournment during the whole Continuance of this Act (a), to oppose the Discharge of Debtors clearly excluded from any Benefit under the said respective Acts, but who, after having been before one Session and refused a Discharge, to harass their Creditors constantly gave fresh Notices for each subsequent Session and Adjournment of their intended Application to be discharged; To remedy which, be it further enacted by the Authority aforesaid, That in all cases whatever the Determination of the Justices in Session or Adjournment shall be final to all Intents and Purposes, unless otherwise ordered and commanded by His Majesty's Court of King's Bench in Ireland, by His Majesty's Writ of *Mandamus* to be issued forth of said Court, unless the Debtor shall, during the Continuance of this Act, get rid of the Objection or Objections for which they refused his Discharge; and that the same may be clear and certain, the Justices are hereby required to state the Objections why such Debtor's Discharge is refused by them; and in all cases whatever it shall and may be lawful to and for the Justices at some one subsequent Session, within the Space of Twelve Calendar Months after he shall have been so remanded, upon Application from the Prisoner, and due Proof on Oath made to them by Two or more credible Witnesses (which Oath they are hereby empowered to administer) of such Objection

(a) [So in the original Act.]

or

or Objections being removed, and on Proof of Notice served at least Twenty Days previous to such Application on the Creditor or Creditors who before opposed his Discharge, and of Notice likewise inserted in the *Dublin Gazette* in manner before directed by this Act, to order such Prisoner to be brought before them, and if they shall then be of Opinion the said Debtor is entitled to the Benefit of this Act, to adjudge him or her to be entitled to the Benefit of this Act, and, if a Prisoner, to order him or her to be discharged, he or she taking the Oath, and in all other respects conforming to the Directions of this Act.

XLII. And whereas it may happen that several Persons who may claim and be entitled to the Benefit of this Act, are seised of an Estate Tail in some Freehold Lands, Tenements or Hereditaments, which Entail, with the Remainders thereon expectant, they have by Law Power to defeat and bar, either by levying a Fine or Fines, suffering a Common Recovery or Common Recoveries, whereby such Person or Persons' said Freehold Lands, Tenements and Hereditaments, would be liable to the Payment of their Debts, and be delivered up according to the Terms of this Act for the Benefit of their Creditors; Be it therefore further enacted, That in every such case, such Person or Persons so seised as aforesaid, and who shall be entitled to and claim the Benefit of this Act, shall, to all Intents and Purposes whatsoever in Law, be deemed and taken, and is and are hereby declared to be seised of such Lands, Tenements and Hereditaments in Fee, and the same shall be delivered up to such Creditor or Creditors of every such Prisoner in the same manner as if such Person or Persons had actually levied a Fine, suffered a Common Recovery or Recoveries, and thereby had become seised in Fee; any Law or Construction of Law to the contrary thereof in any wise notwithstanding.

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

XLIII. And whereas many Persons who may be entitled to and claim the Benefit of this Act, have been great Dealers or otherwise engaged in large Transactions, whereby they may be entitled to sundry and great Debts and Demands of various and intricate Natures, and they may be entitled to Equities of Redemption of Estates, subject and liable to Mortgages, Judgments or other Incumbrances, or to Reversions, Remainders or other contingent Estates, Lands, Tenements or Hereditaments, or to other Trusts or Intents in Estates both Real and Personal, which may not be sufficiently described or discovered in the Schedule or Inventory before directed to be delivered in upon Oath by the Prisoner to be discharged as aforesaid, or which may want his Aid and Assistance to adjust, make out, recover or manage, for the Benefit of his Creditors; Be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the respective Assignees of the Estate and Effects of such Debtor or Debtors who shall obtain his, her or their Discharge in pursuance of this Act, or any other Person or Persons duly authorized by them for that Purpose, from time to time to apply to any Two or more of the Justices of the Peace for the County, City, Town, Place or Liberty, where such Debtor or Debtors shall be then residing, thereby desiring that such Debtor or Debtors may be further examined as to any Matters or Things relating to his, her or their Estate or Effects, whereupon such Justices shall send for or call before them such Debtor or Debtors,

Assignees may apply for further Examination of Debtors to Two Justices.

Debtors, by such Warrant, Summons, Ways or Means, as they shall think fit, and upon such Debtors appearing shall examine him, her or them, as well upon Oath as otherwise, as to such Matters and Things as such Assignee shall desire, relating to the Estate and Effects of such Debtor or Debtors; and if any Debtor or Debtors, on Payment or Tender of Payment of such reasonable Charges as such Justices shall judge sufficient, shall neglect or refuse to come or appear, not having a lawful Excuse to be made known to such Justices and by them allowed, or being come before them shall refuse to be sworn or to answer to all such Questions as by such Justices shall be put to him or them relating to the Discovery of his, her or their Estate or Effects so vested or intended to be vested in such Clerk of the Peace, Town Clerk or other Officer acting as Clerk of the Peace of (a) such Assignee as aforesaid, then it shall and may be lawful to and for such Justices, by Warrant under their Hands and Seals, to apprehend such Debtor or Debtors so offending as aforesaid, and him, her or them to commit to the Common Gaol, there to remain without Bail or Mainprize until such time as he, she or they shall submit him, her or themselves to such Justices, and answer upon Oath to all such lawful Questions as shall by such Justices be put to him, her or them, for the Purposes aforesaid. (a) [*So in the original Act.*]

Fraudulent Dis-
charges void.

XLIV. Provided always, and be it enacted, That notwithstanding the Discharge of any Debtor or Debtors by virtue of this Act, if it shall hereafter appear the same was obtained fraudulently, or that any Part of the Oath taken by any such Debtor was not true, then and in every such case every such Discharge shall be void and of none Effect.

Assignees with
Consent of
Majority in
Value of Cre-
ditors, may com-
pound Debts and
submit Disputes
to Arbitration.

XLV. And be it further enacted, That it shall be lawful at all times hereafter for any Assignee or Assignees of the Estate or Effects of any Debtor or Debtors who shall be chosen in pursuance of this Act, by and with the Consent of the major Part in Value of the Creditors of such Debtor or Debtors who shall be present at a Meeting, to be had on Twenty one Days Notice being previously given for the Purpose hereafter mentioned, if in Custody at *Dublin* or in the County of *Dublin*, in the *Dublin Gazette*, and if any other Place in that Part of the United Kingdom called *Ireland*, then also in some Newspaper which shall be published in the County, City or Place in or near which such Person or Persons shall have been in Gaol, to make Compositions to any Person or Persons or Accountants to such Debtor or Debtors, where the same shall appear necessary or reasonable, and to take such reasonable Part of any such Debt as can upon any such Composition be gotten, in full Discharge of such Debts and Accounts, and also to submit any Difference or Dispute between such Assignee or Assignees, and any Person or Persons for or on account or by reason or means of any Matter, Cause or Thing relating to the Estate or Effects of such Debtor or Debtors, or to any Debt or Debts due or claimed to be due to or from such Debtor or Debtors, to the final End and Determination of Arbitrators to be chosen by the said Assignee or Assignees, and the major Part in Value of such Creditors, and the Party or Parties with whom they shall have such Difference, and to perform the Award of such Arbitrators, or of any Umpire to be chosen by them, or otherwise to settle and agree the Matters in Difference and Dispute between them, in
such

such manner as the said Assignee or Assignees with such Consent as aforesaid shall think fit and can agree, and the same shall be binding to all the Creditors of such Debtor or Debtors; and every such Assignee or Assignees is and are hereby indemnified for what they shall fairly do in the Premises in pursuance of this Act.

XLVI. And, for the better Discovery of the Estate and Effects of any Debtor who shall be discharged by virtue of this Act, be it further enacted by the Authority aforesaid, That any Person or Persons who shall have accepted of any Trust or Trusts, and shall wilfully conceal or protect any Estate Real or Personal of any such Debtor from his Creditors, and shall not within Thirty Days after any Assignee or Assignees shall in pursuance of this Act be chosen of any such Debtor's Estate, discover and disclose to such Assignee or Assignees such Trust and Estate in Writing, and deliver up or make over the same to such Assignee or Assignees, he, she or they so offending shall, for every such Offence, forfeit the Sum of One hundred Pounds, and also Double the Value of the Estate either Real or Personal so concealed, to or for the Use of the Creditors of any such Debtor, to be recovered by Action of Debt in any of His Majesty's Courts of Record at *Dublin*, in the Name or Names of the Assignee or Assignees of such Debtor's Estate, together with Treble Costs of Suit.

Persons conceal-
ing Debtor's
Estates.

Penalty.

XLVII. And whereas Provision ought to be made as to what should become of the Estate and Effects of any Debtor or Debtors not got in, obtained or recovered by any Assignee or Assignees chose pursuant to the Direction of the several Acts, at the time of his or their Death or Deaths, and whose Heir or Heirs, Executors, Administrators and Assigns refuse to act or meddle therein; To remedy which, be it enacted, That in all such cases it shall and may be lawful to and for the Creditors of every such Debtor or Debtors to chuse a new Assignee or Assignees in Manner and Form as hereinbefore is directed, and to obtain a new Assignment from the Clerk of the Peace or his Deputy, Town Clerk or other Officer acting as a Clerk of the Peace pursuant to the Order of the Justices, and which said Order the said Justices are hereby required and empowered to direct (on due Proof on Oath being made to them of the Death of such former Assignee or Assignees, and Refusal of his or their Heirs, Executors, Administrators or Assigns, to act or meddle therein), and the said Clerk of the Peace or his Deputy, Town Clerk or other Officer acting as Clerk of the Peace, hereby conforming to all Orders and Directions made by this Act relative to them or any of them, and to be liable to all such Pains and Penalties as are inflicted on them or any of them by this Act for Disobedience in any Part thereof or Neglect of Duty whatever; and in case any such Assignee or Assignees shall die, and his Heirs, Executors, Administrators or Assigns shall refuse to act, that then and in such case it shall be lawful for such Justices of the Peace to appoint a new Assignee or Assignees, with like Powers and Authorities as are given by this Act; and the said Justices shall have Power in a summary way to oblige the Heirs, Executors, Administrators and Assigns of such Assignee or Assignees to account and deliver up all such Estate and Effects as shall remain in his or their Hands, to be applied for the Purposes of this Act.

If Assignees die,
others may be
chosen.

XLVIII. And,

Courts on Com-
plaint may re-
move Assignees.

XLVIII. And, to the Intent and Purpose that the Estate and Effects of such Debtor or Debtors as shall be discharged by virtue of this Act may be duly and faithfully applied for the Benefit of his, her or their real Creditors, be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the respective Courts at *Dublin*, and the Courts of limited Jurisdiction in that Part of the United Kingdom called *Ireland*, from whence any Process issued upon which any such Debtor or Debtors was or were committed, or where the Process issued out of any other Court, to and for the Judges of the Courts of King's Bench, Common Pleas, and Exchequer in *Ireland*, or any One of them, from time to time upon the Petition of any such Debtor, or the Creditor or Creditors of such Debtor, complaining of any Insufficiency, Fraud, Mismanagement or other Misbehaviour of any Assignee or Assignees of the Estate or Effects of any such Debtor or Debtors, to summon all Parties concerned, and upon hearing the Parties concerned therein to make and give such Orders and Directions therein, either for the Removal or displacing such Assignee or Assignees, and appointing any new Assignee or Assignees in the Place or Stead of such Assignee or Assignees so to be removed or displaced, and for the prudent, just and equitable Management or Distribution of the Estate and Effects of any such Debtor for the Benefit of the respective Creditor, as the said Courts or Judges respectively shall think fit; and in case of the Removal or displacing of any Assignee or Assignees, and the appointing of any new Assignee or Assignees, the Estate or Effects of such Debtor or Debtors shall from thenceforth be divested out of the Assignee or Assignees so removed or displaced, and be vested in and delivered over to such new Assignee or Assignees, in the same manner and for the same Intents and Purposes as the same were before vested in the Assignee or Assignees first chosen as aforesaid; any thing in this Act contained to the contrary notwithstanding.

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

XLIX. Provided always, and be it further enacted, That in all cases where mutual Credit hath been given between any Debtor who shall be discharged in pursuance of this Act, and any other Person or Persons, or Bodies Corporate or Politic, before the Delivery of such Schedule or Inventory of the Estate and Effects of such Debtor or Debtors upon Oath as aforesaid, the respective Assignee or Assignees of such Debtor or Debtors is and are hereby authorized and required on his and their Parts to state and allow an Account between them and the other Party or Parties concerned, and nothing more shall be deemed to be vested in such Clerk of the Peace, or Town Clerk or other Officer acting as Clerk of the Peace, or such Assignee or Assignees as aforesaid, as the Estate or Effects of such Debtor or Debtors, than what shall appear to be justly due to him, her or them respectively, as and for the Balance of such Account when truly stated.

‘L. And whereas many Persons are often committed by the Courts of Law and Equity for Contempts for not paying Money ordered or awarded to be paid, and also for not paying of Costs duly and regularly taxed and allowed by the proper Officer, after proper Demands made for that Purpose, and also upon the Writ of *Excommunicato capiendo* or other Process, for or grounded on the Non-payment of Money, Costs or Expences, in some Cause or Proceeding in some Ecclesiastical Court, or for Contempt to such Court

‘relating

‘relating thereto;’ It is hereby declared and enacted, That all such Persons are and shall be entitled to the Benefit of this Act, on and subject to the same Terms, Conditions and Restrictions as are herein expressed and declared with respect to Prisoners for Debt only.

Persons for not paying Monies awarded, Costs, &c.

LI. And whereas a great Number of poor People have been and are now imprisoned for Debt upon Processes issuing out of Courts of Conscience, it is hereby enacted and declared, That all such Prisoners shall be entitled to have the Benefit of this Act, and be discharged under the same, provided he, she or they conform to the Directions hereinbefore prescribed touching other Prisoners who shall be discharged by virtue of this Act.

Persons imprisoned by Courts of Conscience.

LII. Provided always, and be it further enacted, That no Person who shall have taken the Benefit of any Act heretofore passed for the Relief of Insolvent Debtors within the Space of Five Years last past, shall have or receive any Benefit or Advantage of or under this Act, nor be deemed to be within the Intent and Meaning thereof so as to be discharged under the same; any thing hereinbefore contained to the contrary thereof notwithstanding.

Proviso as to Persons having taken Benefit of Insolvent Act.

LIII. And be it further enacted, That in all cases wherein by this Act an Oath is required, the solemn Affirmation of any Person being a *Quaker* shall and may be accepted and taken in lieu thereof; and every Person making such Affirmation, who shall be convicted of wilful and false Affirmation, shall incur and suffer such and the same Penalties as are inflicted and imposed by this Act upon Persons convicted of wilful and corrupt Perjury.

Affirmation of Quakers taken.

LIV. And be it further enacted, That in all cases whatsoever the Insolvent, upon his releasing any Interest he or she may have in the Residuum of his or her Estate, shall and may be admitted as a good and sufficient Witness in any Action or Cause to be instituted by his or her Assignee or Assignees, for the Recovery of any Debts due to the said Insolvent, in the same manner as a Bankrupt may after obtaining his Certificate.

Insolvent, on releasing Interest in residue of Estate, a good Witness.

LV. Provided always, and be it further enacted, That no Prisoner against whom any Commission of Bankrupt shall have issued and shall remain in force, and who shall not have obtained a Certificate of his or her Conformity to the several Statutes concerning Bankrupts under such Commission duly allowed, shall be discharged by virtue of this Act from any Debt which shall have been or may be proved under such Commission, unless such Commission shall have issued, and such Bankrupt shall have duly surrendered himself or herself to the Commissioners or the major Part of them named in the said Commission, Two Years at the least before the passing of this Act, and shall in all Things have duly conformed himself or herself to the several Statutes concerning Bankrupts, and unless the major Part of the Commissioners named in such Commission shall specially certify, which they are hereby authorized to do if they shall think fit, that such Bankrupt has so duly conformed, and has in their Opinion made a full and fair Disclosure of all his or her Estate or Effects, and in all Things conducted himself or herself properly under such Commission; and in all such cases such Bankrupt shall be capable of being discharged in respect of all Debts which cannot be proved under such Commission, in the same manner and upon the same Terms as any other Prisoner may be discharged by virtue of this Act, and shall and may be dis-

Bankrupts; how far within Act.

Notices of Bank-
rupt regulated.

Commission sup-
erseded, Dis-
charge void.

charged as to Personal Arrest, for Debt in respect of all Debts proved or capable of being proved under such Commission; but nevertheless such Bankrupt and his or her Effects shall in all other respects whatsoever remain subject to the Laws in force concerning Bankrupts, as he or she would have been if this Act had not been made: Provided always, that in the Notices to be given by such Bankrupt and the Oath to be taken by him or her according to the Provisions of this Act, such Bankrupt shall be described as a Person against whom a Commission of Bankrupt has issued and is still in force, and who has not obtained a Certificate of his or her Conformity to the Statutes concerning Bankrupts duly allowed; and such Bankrupt, instead of swearing to the Truth of a Schedule of his or her Estate or Effects, shall swear that he or she has made a full Disclosure of his or her Effects under the said Commission, and that he or she has no Estate or Effects which can be vested in an Assignee under this Act, all the Estate and Effects of such Bankrupt being vested in the Assignee or Assignees under such Commission, by virtue of such Commission, and the Assignment made in pursuance thereof: Provided always, that in case such Commission shall at any time thereafter be superseded, then and in such case the Discharge which shall be obtained by virtue of this Act, shall be null and void.

[See as to England, c. 125. post.]

C A P. CXXIV.

An Act further to extend and render more effectual certain Provisions of an Act passed in the Twelfth Year of the Reign of His late Majesty King George the First, intituled, *An Act to prevent frivolous and vexatious Arrests*; and of an Act passed in the Fifth Year of the Reign of His Majesty King George the Second, to explain, amend and render more effectual the said former Act; and of Two Acts passed in the Nineteenth and Forty third Years of the Reign of His present Majesty, extending the Provisions of the said former Acts.

[2d July 1811.]

22 G. I. c. 29.

§ 1.

‘ **W**HEREAS by an Act made in the Twelfth Year of the
‘ Reign of His late Majesty King George the First, intituled,
‘ *An Act to prevent frivolous and vexatious Arrests*, it was, amongst
‘ other things, enacted, That, from and after the Twenty fourth
‘ Day of June One thousand seven hundred and Twenty six, no Per-
‘ sons should be held to Special Bail upon any Process issuing out
‘ of any superior Court, where the Cause of Action should not
‘ amount to the Sum of Ten Pounds or upwards, nor out of any
‘ inferior Court where the Cause of Action should not amount to the
‘ Sum of Forty Shillings or upwards; and that in all cases where
‘ the Cause of Action should not amount to Ten Pounds or upwards
‘ in any such superior Court, or to Forty Shillings or upwards in any
‘ such inferior Court, and the Plaintiff or Plaintiffs should proceed by
‘ way of Process against the Person, he, she or they should not arrest
‘ or cause to be arrested the Body of the Defendant or Defendants,
‘ but should serve him, her or them personally within the Jurisdiction
‘ of the Court, with a Copy of the Process, and if such Defendant
‘ or Defendants should not appear at the Return of the Process, or
‘ within