

upon Affidavit being made and filed in the proper Court of the Personal Service of such Summons or Attachment, and Notice written on the Foot thereof as aforesaid, or of the due Execution of such *Distringas*, and of the Service of such Notice as is hereby directed on the Execution of such *Distringas*, as the Case may be, to enter a Common Appearance for the Defendant or Defendants, and to proceed thereon, as if such Defendant or Defendants had entered his, her or their Appearance; any Law or Usage to the contrary notwithstanding; and that such Affidavit or Affidavits may be made before any Judge or Commissioner of the Court, out of or into which such Writ shall issue, or be returnable, authorized to take Affidavits in such Court, or else before the proper Officer for entering Common Appearances in such Court, or his lawful Deputy, and which Affidavit is hereby directed to be filed *gratis*.

19 G. 3. c. 70.
respecting
Actions for Sums
less than 10l.
extended to
Sums under 15l.

III. And be it further enacted, That all and every the Provisions contained in the said Act of the Nineteenth Year of the Reign of His present Majesty, respecting Actions in inferior Courts, where the Cause of Action should amount to less than Ten Pounds, shall be and the same are hereby, from and after the said First Day of *November*, extended to all Actions in such Courts where the Cause of Action shall not amount to Fifteen Pounds, exclusive of such Costs, Charges and Expences as aforesaid (except where the Cause of such Action shall arise or be maintainable upon or by virtue of any Bill or Bills of Exchange, Promissory Note or Promissory Notes, in which case the Parties liable thereupon may be held to Special Bail, in such manner as if this Act had not been made); and that so much of any Act or Acts of Parliament, heretofore passed for the Recovery of Debts within certain Districts and Jurisdictions, which may have authorized the Arrest and Imprisonment of Defendants, where the Cause of Action amounts to less than Fifteen Pounds, exclusive of such Costs, Charges and Expences as aforesaid, shall be and the same is hereby, from and after the First Day of *November*, repealed.

So much of Acts
authorizing Ar-
rests contrary,
repealed.

Proviso for Scot-
land and Ireland

IV. Provided always, That nothing in this Act contained shall extend or be construed to extend to those Parts of the United Kingdom called *Scotland* and *Ireland*.

Continuance.

V. Provided always, and be it enacted, That this Act shall continue and be in force until the First Day of *November*, in the Year One thousand eight hundred and sixteen, and thenceforth until the End of the then next Session of Parliament, and no longer.

C A P. CXXV.

An Act for the Relief of certain Insolvent Debtors in *England*.
[9th July 1811.]

‘ **W**HEREAS it may be convenient in the present crowded State of the Prisons and Gaols in *England* and *Wales*, that some of the Prisoners confined therein, truly surrendering their Effects to their Creditors, should be liberated, and enabled to pursue their different Professions and Occupations:’ 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, Riding, Division,

Gaolers to make
out Lists of Pri-

Division, City, Town, Place or Liberty within *England* or *Wales*, ^{so as to be in Custody} 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, Costs, 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, Riding, City, Division, Town, Place or Liberty respectively.

II. And be it further enacted, That the Warden of His Majesty's Prison of the Fleet, and Marshal of the King's Bench Prison, and every other Keeper or Gaoler of any other Prison in any Place or Liberty in *England* or *Wales*, shall severally, on the delivering in of any such List of Prisoners in their respective Custody, take an Oath in the open Court of such General Quarter-Session of the Peace, or Adjournment thereof, to the Effect following; that is to say,

Keepers of Prisons to take Oath when they deliver in Lists.

I *A.B.* upon my corporal Oath, in the Presence of Almighty God, Oath.
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 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 therein respectively mentioned; and that the 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 the said Justices, at their First or Second General Quarter-Session or General Session of the Peace 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 Warden

Oath administered in open Court.

Lifts to be kept
by Clerk of the
Peace, and ex-
amined gratis.

Copy of Lifts
fixed up in Pri-
sons, before De-
livery to Sessions.

Prisoners for
Debt not exceed-
ing 2,000*l.* dis-
charged.

Further Exten-
sion of Relief in
Cases where
Prisoners have
been in Custody
Five or Ten
Years.

and Marshal respectively, and other Keeper or Gaoler of any Prison respectively, shall be entered or written at the End or Bottom of the Lift which shall be delivered in by them respectively, and shall be subscribed and sworn to by them respectively in open Court; and every such Lift 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 Officer acting as Clerk of the Peace, of every such County, City, Town, Place or Liberty respectively in which any such Lift 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 the 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 Lift or Lifts 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 Non-payment of any Debt or Debts, Sum or Sums of Money, which did not in the Whole amount to a greater Sum than Two thousand Pounds, and whose Name or Names shall be inserted in any such Lift 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 other wise.

V. And whereas many honest but unfortunate Persons whose Debts exceed the Sum of Two thousand Pounds, although willing to surrender their Effects for the Benefit of their Creditors, have been confined in Gaol many Years, and but for the Interposition of the Legislature will be doomed to perpetual Imprisonment; Be it therefore enacted, That all and every the Person or Persons who on the First Day of *May* last was or were charged in Execution with any Debt or Debts not exceeding in the Whole the Sum of Three thousand Pounds, and who shall have been confined in any Gaol of the United Kingdom of *Great Britain* and *Ireland* for the Space of Five Years, for such or any other Debt or Debts; and all and every Person or Persons who on the said First Day of *May* last was or were charged in Execution with any Debt or Debts to any Amount, and who shall have been confined in any Gaol of the United Kingdom of *Great Britain* and *Ireland* for such or any other Debt or Debts for the Space of Ten Years, shall, on taking the Oath hereby directed to be taken by other Debtors claiming their Discharge under this Act,

Act,

Act, and in all other respects performing on his or her Part what is required to be done by him or her by this Act, be respectively discharged, released and exonerated, as to his Person and Effects, to such Extent and in such manner as is hereinafter provided, and not otherwise.

VI. 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 *England and Wales*, 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 so petitioning (a), 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-Sessions next ensuing after every such Petition, or some Adjournment thereof, (and at the Foot of which said Schedule the Gaoler or other proper Officer shall set forth and sign the Amount of the Debt or Debts with which such Prisoner was charged on the said First Day of *May*) by Warrant under his Hand and Seal, or under their Hands and Seals, to require the 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 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, or to the Clerk of the Papers, or other proper Officer or Person, 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.

(a) [*So in the Original Act.*]

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

VII. 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.

VIII. 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

Schedules to remain with Clerk of the Peace.

Debtors intending to apply for Discharge to give Notice in Gazette, &c.

be inspected from time to time as Occasion shall require, by any Creditor of any such Prisoner who shall desire to inspect the same.

IX. And be it further enacted, That all and every Debtor and Debtors confined in any Gaol of that Part of the United Kingdom called *England and Wales*, who shall intend to apply to be discharged and exonerated under this Act, shall first cause public Notice to be inserted in Three several *London Gazettes*, previous to such General or Quarter-Session or General Session of the Peace or Adjournment thereof, at which such Application shall be made; and if such Debtor shall be in Custody in any such Gaol, out of *London*, or the Weekly Bills of Mortality, or shall have moved himself by *Habeas Corpus* from one Gaol to another, then also in some Newspaper which shall be published in or near the County, Riding, Division, City, Town, Liberty or Place, 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; and for the inserting each of the said Notices in the *London Gazette*, or in any other Newspaper, there shall be paid each time by every Prisoner the Sum of 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 sufficient Notice thereof.

Debtors to deliver Schedules to Gaoler, previous to first Notice.

X. 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 Name 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 or Refusal, to the Satisfaction of the Court to which such Debtor shall make

Applica-

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 Acknowledgement 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 Thirty 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.]

XI. 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 the Two last Places of Abode, if so many]* Form of Notice.
' now confined in *[insert the Name of the 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 *[as the case may be]*
' *[and if claiming to be discharged on account of the Length of Time of*
' *Imprisonment, then to set forth the time]* do hereby give this [First;
' Second or Third] 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, *[here set forth the Title of this Act, and if it be the*
' *first Notice then add]* And I do hereby give Notice, that a true and
' perfect Schedule, containing a 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 countersigned by the Keeper or Gaoler, or Deputy of such Keeper or Gaoler of such Prison.

XII. And be it further enacted, That every such Debtor as aforesaid, 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 Two thousand 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 Adjournment thereof, that such Notices were inserted in the *London 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 said 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 a List delivered in at such First or Second Session, or any Adjournment thereof, or in some other Prison or Gaol as aforesaid, in pursuance

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

fuance of this Act; and shall in open Court at the said General Quarter-Session or General Session, or any Adjournment thereof, subscribe or deliver in a true Schedule or Account of all his or her Real Estate in Possession, Reversion, Remainder or Expectancy, and of any other Nature and Kind whatsoever, 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 entitled unto, 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 Name 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; 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,

Oath.

‘ I *A. B.* upon my corporal Oath, in the Presence of Almighty
 ‘ God, 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 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 [or mentioning some other
 ‘ Prison, as the case may be] or within the Liberties thereof, at the
 ‘ Suit of and without any Fraud or Collusion
 ‘ whatsoever; and that the Schedule now delivered by me and sub-
 ‘ scribed, doth contain, to the best of my Knowledge, Remembrance
 ‘ and Belief, a full, just, true and perfect Account and Discovery of
 ‘ all the Goods and Effects, Estates Real and Personal, in Possession,
 ‘ Reversion, Remainder or Expectancy, and of every other Nature
 ‘ and Kind whatsoever, which I or 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 afore-
 ‘ said, or which I or such Person had any Power of disposing of or
 ‘ charging for my Benefit or Advantage, at any time since my Com-
 ‘ mitment to Prison; and of all Debts to me owing, or to any Per-
 ‘ son or Persons in Trust for me, and of all the Securities and Con-
 ‘ tracts 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 who 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 any Estate Real or Personal, in Possession, Rever-
 ‘ sion, Remainder or Expectancy, or of any Nature or Kind soever, or
 ‘ Power

* Power of disposing of or charging for my 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.’

And the said Schedule and Oath shall be by every such Debtor subscribed 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 seasonable times in the Day-time, to peruse and examine the same.

Schedule and Oath subscribed by Debtors.

XIII. And be it further enacted, That the Justices of the Peace within their respective Jurisdictions at any such General Quarter-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 Deputy Warden and Marshal of the Fleet and King's Bench Prison, or any other under Officer, Tipstaff and Turnkey of any Prison or Gaol, or 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 Debtors, 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 a 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.

Court, at Request of Creditors, may examine Gaolers on Oath.

XIV. And be it further enacted by the Authority aforesaid, That all the Estate, Right, Title, Interest, and Trust of such Debtor, of, in and unto all the Real Estate as well Freehold and Copyhold as Customary, 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

Estate and Effects of Debtors discharged, vested in Clerk of the Peace, who is to assign same to such Creditors as

Officer

Court shall direct, in Trust.

Officer acting as Clerk of the Peace of and for the County, Riding, City, Town Corporate, Division, Liberty or Place where any Debtors 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 written 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 which 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 obtaining any Estate 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 interested 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 public 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 *London Gazette*, or in some Daily Paper printed and published in *London*, if the Debtor before his or her going to Prison resided in *London*, or within the Bills of Mortality, and if elsewhere, then in some printed Newspaper which shall be published in or near the County, Riding, Division, City, Town, Liberty or Place in which such Debtor resided 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 the 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

Assignees to get in Debtors Effects;

and to make Dividends.

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, Riding or Division, 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, on 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, Riding, Division, City, Town, 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 at some Adjournment thereof.

Notice of making
Dividends.

XV. 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 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.

Assignees or their
Heirs, not deli-
vering over such
Estate or Bal-
ance.

XVI. 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 Annuity or otherwise at any future time or times, by virtue of any Bond, Covenants or other Securities of any Nature whatever, may be and shall be entitled to be admitted a Creditor or Creditors, 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.

Imprisonment.

Certain Credit-
tors for Annui-
ties to receive
Dividends as
under Commis-
sion of Bank-
ruptcy.

XVII. 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 Estate, whether Real or Per-
sonal,

Estates of Debt-
ors not inserted
in Schedule
vested in Clerk
of the Peace.

sonal, 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.

Holders of Securities without Consideration, not entitled to Benefit

XVIII. 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.

Estates to vest in Clerk of the Peace for the time being.

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

No Suit in Law or Equity without Consent of Majority of Creditors.

XX. Provided further, and be it also enacted, That no Suit in Law or Equity shall be commenced by any Assignee or Assignees of any such Debtor's 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 *London 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 Debts of an inferior Nature.

XXI. 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 Mortgages and Persons having such Charges or Liens, and Creditors by Statute, Recognizance or Judgment respectively would have been preferred to other Creditors of an inferior Nature, against the Real or

Personal

Personal Estate of such Debtor or Debtors respectively, if this Act had not been made; any thing hereinbefore contained to the contrary notwithstanding.

XXII. And whereas many Persons, who may be entitled to and claim the Benefit of this Act, are seized 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 Debtor; 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 other such 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.

Power of leasing Lands, &c. vested in Assignees.

XXIII. And be it further enacted, That the Justices at any General or Quarter-Session or Adjourned Session of the Peace to 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 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,

Gaoler, on Request of Creditor, to be sworn.

I do swear, That
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; to the best of my Knowledge and Belief. So help me GOD.

Oath.

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 Deputy 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 Session or at any Adjourned Session may and are hereby required to administer to the respective Person or Persons who shall be Keeper or Gaoler of any such Prison or Gaol, or deputed Keeper thereof, and deliver in such List as aforesaid at any such General or Quarter-Session or Adjourned Session, an Oath touching the Commitments or Books of

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

of Commitment of any such Prison or Gaol, to the Effect following; that is to say,

Oath.

‘ I do swear, That I have examined the Commitments or Books of or concerning the Commitments of Prisoners to the Prison of, ^[in] the County, City, Riding, Division, City, Town, Place or Liberty, 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 or Belief.
‘ So help me GOD.’

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

XXIV. 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-Session or Adjourned Session, 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 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-Session or Adjourned Session shall think fit; and if any Sheriff, Gaoler or Keeper, or deputed Gaoler or Keeper, 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 or Quarter-Session or Adjourned Session, 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 sue for and recover the same in any of His Majesty's Courts of Record at *Westminster* by Action of Debt.

Sheriffs, &c. disobeying Orders of Justices.

Imprisonment.

Penalty.

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

XXV. 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 or Adjourned Session of the Peace within their respective Jurisdictions, refuse or delay to bring any such Prisoner or Prisoners as aforesaid to any such General Quarter-Session or General Session or Adjourned Session of the Peace, in order to his or her Discharge; or shall neglect, 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

hundred and eleven, 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 *London 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 made to him 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 such 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 of the said Courts of Record at *Westminster*, wherein no Essoign, Protection or Wager of Law, or more than One Imparance shall be allowed.

Penalty.

XXVI. 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, to be recovered with full Costs, by Bill, Plaint or Information, or Action of Debt, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection or Wager of Law, or more than One Imparance shall be allowed, by and in the Name of such Person or Persons, his and 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.

Gaolers committing Perjury.

Penalty.

XXVII. 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, 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 or Effects, every 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 at 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 Judges of the Peace at such General or Quarter-Session, 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

Clerk of the Peace not giving Copies of Adjudication of Discharge.

Penalty.

such Clerk of the Peace or his Deputy, or Town Clerk or other Officer acting as Clerk of the Peace so offending.

Debtors falsely
swearing.

Perjury.

XXVIII. And be it further enacted, That if any Debtor as aforesaid, who shall come or be brought up to such General or Quarter-Session, or Adjournment thereof, under the Provisions 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 dis-
charged not li-
ble to be impris-
oned for Debts
prior to 1st May
1811.

XXIX. And be it further enacted, That no Person entitled to the Benefit of this Act shall at any time hereafter be imprisoned by reason of any Judgment or Decree obtained for 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 which 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.

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

XXX. And whereas under former Acts of this kind, Doubts have arisen what was to be done with such Prisoners who applied 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 which shall appear to their Satisfaction, by the Oath of such Prisoner not being disproved (or otherwise) to have been 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, which shall appear to the Justices to have been incurred subsequent to the said First Day of May One thousand eight hundred and eleven; and their Order for such Discharge shall indemnify the Sheriff or Sheriffs, Keeper or Keepers, Gaoler or Gaolers against any Escape or Escapes, Action or Actions whatsoever for Escapes, which

which shall or may be brought, commenced or prosecuted against him or them; any thing to the contrary herein notwithstanding.

XXXI. And be it further enacted, That if any Action of Escape, or any Suit or Action to 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.

Act pleaded to
Action of Escape,
&c.

Treble Costs.

XXXII. 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 said 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 (according to his, her or their case) 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 said 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 may be) was contracted or due before the said 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, or Verdict pass against him, or Judgment or (a) Demurrer, the Defendant to have Treble Costs.

Act pleaded generally by Prisoners.

(a) [*So in the Original Act.*]

Treble Costs.

XXXIII. And be it further enacted by the Authority aforesaid, That in case any Person being a Prisoner charged in Execution on the said First Day of *May* One thousand eight hundred and eleven, and having before or since that Day petitioned any Court to be discharged as an Insolvent Debtor, and having conformed to the several Provisions of the Laws in being for that Purpose, shall have been brought up, and by the Court remanded back to the Prison or Gaol from which such Prisoner was brought up, there to continue in Execution, on the Undertaking of his or her Plaintiff or Plaintiffs to pay to him such weekly or other Allowance as by Law is directed to be paid in such case, during such time as such

Prisoners, who, on Application as Insolvent Debtors, have been remanded back, and since discharged without their Consent, entitled to Benefit of Act.

Prisoner should remain in Execution at the Suit of such Plaintiff or Plaintiffs, and such Prisoner so continued in Execution shall have been or shall be discharged from such Execution by his or her Plaintiff or Plaintiffs, without his or her own Privy or Consent subsequent to the said First Day of *May* One thousand eight hundred and eleven, and before the Day whereon he or she might otherwise have applied to take the Benefit of this Act, every such Prisoner shall be entitled, notwithstanding such Discharge, to the same Relief and Advantage to all Intents and Purposes whatsoever, which he or she might or could have otherwise obtained by virtue of this Act; any thing herein contained to the contrary notwithstanding.

Act not to extend to Attornies or Servants embezzling Money.

XXXIV. 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 or received by him or them for the Use of any Person or Persons, Bodies Corporate or Politick, and by any Attorney, Solicitor or any 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; except where such Persons shall have been confined in Prison for the Space of Ten Years last past.

Exception.

XXXV. And whereas many evil disposed Persons, to support their profligate Way of Life, by various subtle Stratagems, Threats and Devices, and under assumed and fictitious Name or Names for the Purpose of obtaining Credit, have fraudulently obtained divers Sums of Money, or Securities for Money, Goods and Merchandizes, to the great Injury of Trade and Credit; Be it enacted, That no Prisoner, who knowingly and designedly, by false Pretence or Pretences, or under any fictitious Name or Names assumed for the Purpose of obtaining Credit, 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 on due Proof of such fraudulent Conduct as aforesaid, the Justices shall remand such Prisoner to the Custody of the Gaoler or Keeper of the Prison from which he or she shall have been brought up to take the Benefit of this Act; any thing herein contained to the contrary notwithstanding; except where such Person shall have been confined in Prison for the Space of Ten Years last past.

Nor to Persons obtaining Money or Goods under false Pretences or fictitious Names.

Exception.

Evidence of Objections given.

XXXVI. 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

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 his Creditor or Creditors, or who shall have fraudulently obtained a Discharge under such former Act, or shall have taken a false Oath under such Act, shall have or receive any Benefit or Discharge under this Act, but shall be remanded to Prison as aforesaid by the Justices before whom he or she shall be brought up to take the Benefit of this Act: 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 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 his Decese; except where such Person shall have been confined in Prison for the Space of Ten Years last past.

‘ XXXVII. And whereas many Debtors for Rents of Lands, 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 or 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 Thirty 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 be remanded in manner hereinbefore mentioned; provided such Proof shall be made thereof as shall be satisfactory to the Justices before whom such Prisoner shall be brought up to take the Benefit of this Act, except where such Person shall have been confined in Prison for the Space of Ten Years last past.

‘ XXXVIII. And whereas many Debtors have, with a View to defraud their Creditors, sold, transferred, conveyed or assigned their

Proviso as to Prisoners remanded to Prison under any Insolvent Act, for fraudulently obtaining Money, &c.

Proviso.

and as to Persons charged in Execution for Damages recovered in Action for Criminal Conversation, &c.

Exception.

and as to Persons removing Effects of the Value of 3*l*. liable to be distrained for Rent.

Exception.

and as to Persons
selling or assign-
ing Effects to de-
fraud Creditors.

Exception.

and as to Persons
losing Money at
Play.

Exception.

Gaolers not per-
mitting Prisoners
to be spoken
with, or Entry
in Books of Pri-
son to be seen.

Penalty.

‘Estate or Effects to some Person or Persons, subsequent to their being in Custody of Law or imprisoned under some Process of Debt: And whereas such Sale, Transfer, Conveyance or Assignment hath been fraudulently made, to the Injury of his Creditor or Creditors, though it hath been difficult to convict the Party of a fraudulent Design;’ Be it enacted, That whenever it shall be proved by One or more credible Witness or Witnesses, 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 determined by the Justices before whom such Prisoner shall be brought up to take the Benefit of this Act, every such Debtor shall lose all the Benefits and Advantages that he might have otherwise claimed under the Authority of this Act, and shall be remanded in manner hereinbefore mentioned; and every such Sale, Transfer, Conveyance or Assignment is hereby declared null and void, except where such Person shall have been confined in Prison for the Space of Ten Years last past.

‘XXXIX. And whereas many Prisoners squander and expend great Part of their remaining Property by playing at Cards, Dice or other unlawful Games, to the great Injury of their Creditors;’ Be it enacted, That nothing in this Act shall extend or be construed to extend to discharge or release any Prisoner who hath or shall have lost, in any one Day since the Date of his Commitment to Prison for any Debt with which he stood charged on the First Day of May last, the Sum or Value of Twenty Pounds, or in the Whole since such Commitment as aforesaid, the Sum of One hundred Pounds in playing at or with Cards, Dice, Tables, Tennis, Bowls, Billiards or other Game or Games whatsoever, or in or by bearing a Share or Part in the Stakes, Wagers or Adventures, or in or by betting on the Sides or Hands of such as do play as aforesaid; but on due Proof thereof, to the Satisfaction of the Justices assembled at such Quarter-Session or Adjourned Session before which such Prisoner shall be brought, it shall be lawful for such Justices, and they are hereby required to remand such Prisoner to Gaol; any thing hereinbefore contained to the contrary notwithstanding, except where such Person shall have been confined in Prison for the Space of Ten Years last past.

XL. And be it further enacted, That every Gaoler or Keeper of any Prison shall and is hereby required to suffer any Person or Persons desiring the same to see and speak with in the Day-time, either in the Lodge or other convenient Room in the said Prison, any Prisoner or Prisoners whose Names are inserted in the before mentioned List or Lists, or the *London Gazette* or other Newspapers, in manner aforesaid, 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 Keeper or Gaoler 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 Westminster, wherein

wherein no Effoign, Protection, Wager of Law or more than One Imparance shall be allowed, by and in the Name or Names of the Persons so refused and aggrieved.

XLII. 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 or were not in actual Custody as aforesaid (except as in the Oath of any such Gaoler or Keeper, or deputed 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 *Westminster*, wherein no Effoign, Protection, Wager of Law or more than One Imparance shall be allowed.

Gaoler making
false Entries.

Penalty.

XLIII. And be it further enacted, That if any Debtor, being thereunto required by any Creditor or Creditors, shall refuse to come to the Lodge of the Prison in which any such Prisoner shall be confined, or when come to such Lodge shall refuse to discover and declare the Trade or Occupation and the last Place of Abode or Habitation, to the best of his or her Knowledge or Belief, of the Person or Persons at whose Suit he or she was detained or charged in Custody, without some reasonable Cause being shewn for such Refusal, every such Debtor, on 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.

Debtors refusing
to discover Trade
and Abode of
Person at whose
Suit detained,
excluded Benefit
of Act.

XLIII. And whereas the next General Quarter-Session of the Peace for the County of *Surrey*, which shall happen after the passing of this Act, may be in the farthest Part of the County, and upwards of Twenty Miles from the Prisons where Debtors are confined; Be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for such Justices as shall be assembled at the General Quarter-Session of the Peace to be holden for the County of *Surrey*, next after the passing of this Act, and they are hereby required forthwith to adjourn the said Session to the Session House in *Horse-monger Lane*, in the Parish of *Newington*, in the said County of *Surrey*, for the Purpose of administering the Oaths required to be taken and subscribed by this Act by the several Gaolers within the said County, and for the Discharge of Prisoners or other Debtors according to the Powers, Limitations and Directions of this Act; and it shall not be lawful for any Justice or Justices of the Peace for the said County of *Surrey*, to issue his or their Warrant or Warrants for the bringing up of any Prisoner or Prisoners in order to his, her or their Discharge under the Provisions of this Act, at

Justices for
Surrey may ad-
journ to Session
House in *Horse-
monger Lane*.

any Quarter-Session or Adjourned Session of the Peace, other than such as shall be holden at the Session House in *Horsfemonger Lane*, in the Parish of *Newington* aforesaid.

‘ XLIV. And whereas there is but one Common or County Gaol for each of the respective Counties of *York* or *Lincoln*, which said Counties are each of them divided into several Ridings or Divisions, all of which have several Commissions of the Peace; and if the Gaoler of these Gaols be obliged to carry the Debtors, Prisoners therein, to the Quarter-Session of such Riding or Division, the same will be a very great Charge, not only to such Gaoler but also to the Prisoners in these large Counties;’ Be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for Two or more Justices of the Peace for any of the Ridings or Divisions in the respective Counties, (or any other County or Counties where the Prisons are at a Distance from the Place where the Sessions are held) at the Common or County Gaol thereof respectively, or at any other Gaol or Gaols within the said Counties, or at some convenient Place near thereto, and they are hereby required to assemble and meet and to hold Session there by Adjournment from their respective Quarter-Session, from time to time, for the Discharge of the respective Prisoners therein, according to the Powers, Limitations and Directions of this Act.

Justices for York and Lincoln may hold a Session near to County Gaol.

‘ XLV. And whereas the District or Division of *Holland* in the said County of *Lincoln*, is distant near Forty Miles from the said County Gaol, and it is highly inconvenient and expensive for the Justices of the Peace acting for the said Division, to be obliged to travel to the said Gaol, for the sole Purpose of discharging the Prisoners under the Powers by this Act given;’ Be it therefore enacted, That, for the several Purposes aforesaid, the Justices for the said Division or District of *Holland* may adjourn their original Sessions to the County Gaol, or to some Place near thereunto; and it shall and may be lawful for any Two Justices of the Peace acting either for the Parts of *Lindsey*, *Kebsen* or *Holland*, to hold such adjourned Session for the sole Purpose of discharging such Prisoners, Notice of the Adjournment of such original Sessions being given by the Clerk of Sessions to such Justices, and who shall attend there to register the Proceedings of the said Court, so far as the same relate to or affect the Discharge of any Prisoner detained for Debt in the Division of *Holland*, and claiming the Benefit of this Act.

Justices for District of Holland may hold an Adjourned Session.

Prisoners in Custody for Prison Fees, discharged.

‘ XLVI. 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 *England* and *Wales*, 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 extend to Debtors of the Crown or such Offenders, unless Treasury consent.

‘ XLVII. 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

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 Session or Adjournment thereof, for the Discharge of such Prisoner as aforesaid.

‘ XLVIII. 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, gave fresh Notices for each subsequent Session and Adjournment of their intended Application to be discharged, with the sole View of harassing and subjecting to Inconvenience their Creditors;’ 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 the Debtor shall 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 of the Prisoner, and due Proof on Oath or otherwise to the Satisfaction of the Justices in Session or Adjournment, of such Objection 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 *London 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 that the said Debtor is entitled to the Benefit of this Act, to adjudge him or her to be entitled thereto, 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. (a) [So in the Original Act.]

Determination
of Justices final,
unless Debtor
gets rid of Ob-
jections to Dis-
charge.

‘ XLIX. And whereas it may happen that several Persons who may claim and be entitled to the Benefit of this Act, are seized 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 the said Freehold Lands, Tenements and Hereditaments of such Person or Persons 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 seized as aforesaid, and who shall be entitled to and claim the Benefit of this Act,

Estate of which
Prisoners are

seised in Tail,
delivered up to
Creditors.

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 Common Recoveries, and thereby had become seised in Fee; any Law or Construction of Law to the contrary thereof in any wise notwithstanding.

‘ L. 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 Interests 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 and Things relating to his, her or their Estate or Effects; whereupon such Justices shall send for or call before them such Debtor or Debtors by such Warrant, Summons, Ways or Means as they shall think fit, and upon such Debtor’s appearing, shall examine him, her or them, as well upon Oath or 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, allowed by such Justices, or being come before them shall refuse to be sworn or to answer such Questions as by such Justices shall be put to him, her 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 Assignees 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.*]

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

LI. 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 that 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 no Effect.

Fraudulent Discharges void.

LII. And be it further enacted, That it shall and may 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, in the *London Gazette*, if the Debtor was in Custody in *London*, or within the Weekly Bills of Mortality, and if not, 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 with 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 of any Matter, Cause or Thing relating to the Estate and Effects 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.

Assignees, with Consent of Majority in Value of Creditors, may compound Debts and submit Disputes to Arbitration.

LIII. 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 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, and to obtain a new Assignment from the Clerk of the Peace or his Deputy, Town Clerk or other Officer acting as 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 and 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

If Assignees die, others may be chosen.

the Heirs, Executors, Administrators and Assigns of such Assignee or Assignees to account for 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.

Courts or Com-
plaint may re-
move Assignees.

LIV. 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 *Westminster*, and the Courts of Great Sessions in *Wales*, and the Counties Palatine of *Chester*, *Lancaster* and *Durham* respectively, 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 Court of King's Bench, Common Pleas and Exchequer, or of Great Sessions, or Counties Palatine aforesaid, within their respective Jurisdictions, 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 or Misconduct 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 of such Assignee or Assignees, and appointing any new Assignee or Assignees in the Place of such Assignee or Assignees so to be removed, 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 Creditors, as the said Courts or Judges respectively shall think fit; and in case of the Removal of any Assignee or Assignees, and the appointing of any new Assignee or Assignees, the Estate and Effects of such Debtor or Debtors shall from thenceforth be divested out of the Assignee or Assignees so removed, 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; any thing in this Act contained to the contrary notwithstanding.

In cases of mu-
tual Credit Bal-
ance to be stated.

LV. 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 Politick, 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 Accounts when truly stated.

LVI. And whereas great Numbers 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

such Prisoners shall be entitled to have the Benefit of this Act, and be discharged under the same, provided he, she and they conform to the Directions hereinbefore prescribed, touching other Prisoners who shall be discharged by virtue of this Act; and the Keeper or Keepers, Gaoler or Gaolers, of all and every Gaol, Prison or other Place of Confinement, in which any Person or Persons are confined, or charged in Execution with Debts under Process or Processes issuing out of or from such Courts of Conscience, are hereby required to make out and deliver to the Justices assembled at the next Quarter-Session or Adjourned Session of the Peace, a true List or Lists of the Prisoners in their Custody so confined or charged in Execution, in like manner as the Gaolers or Keepers of other Prisons are directed by this Act.

Person: imprisoned by Courts of Conscience entitled to Benefit of Act.
Lists to be returned of them to Session.

LVII. 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.

LVIII. And whereas Debtors are frequently, to the Injury of themselves and their Creditors, remanded back to Prison on account of mere Errors or Omissions in point of Form relating to their Notices or the making out of their Schedules, or other Proceedings directed by this Act; it is hereby enacted and declared, That it shall and may be lawful to and for the Justices assembled at such Quarter-Session or Adjournment thereof as aforesaid, to amend such Matters of Form or to supply such Omissions, or to correct such Errors in the said Notices, Schedules or other Proceedings directed by this Act, as shall appear to the said Justices to have arisen from Ignorance or Mistake of the Parties, without remanding back the said Prisoner or Prisoners; any thing hereinbefore contained to the contrary notwithstanding.

Justices may amend Notices and Schedules in Matters of Form.

LIX. 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 his Interest, a good Witness.

LX. And be it further enacted, That nothing herein contained shall be deemed or taken to discharge the future Estate or Effects, Real or Personal, of any Person or Persons discharged under this Act, whether such Person or Persons shall or shall not have been charged in Execution of or from the Payment of any Debts, Damages, Costs, Sum or Sums of Money due, owing or demandable from any such Person or Persons, or in respect of which any such Person or Persons was or were in Custody; and all and every Person or Persons entitled to receive or be paid any such Debt, Damages, Costs, Sum or Sums of Money, shall have all such and the like Remedies in Law or Equity against such future Estate and Effects, other than and except the necessary Apparel and Bedding of such Person or Persons and their Family, and the necessary Tools for

Future Estates of Debtors discharged under this Act liable.

for his, her or their Trade and Occupation, not exceeding the Value of Forty Pounds, but not against the Person of the Party for Payment thereof, as he, she or they might have had if this Act had not been made; and in any case in which the Payment or Recovery of such Demands or Sums of Money could, before the passing of this Act, have been enforced only by Commitment, either on the Ground of Contempt or otherwise, of the Persons liable thereto, the Party interested therein shall be and is hereby enabled to sue the Person or Persons who ought to have paid the same for what shall remain unsatisfied thereof, in like manner as if the Sum remaining unsatisfied had been Money lent and advanced by or Money had and received for the Use of the Person having such Demand, but shall be entitled to recover or have Execution out of or against such future Estates and Effects only, and shall not be entitled to arrest or take in Execution the Party against whom such Demand shall be enforced.

What Persons
not entitled to
Relief.

LXI. 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.

Bankrupts, how
far availed by this
Act.

LXII. 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 discharged 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.

Notices of such
Bankrupt, regu-
lated.

LXIII. 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

bill 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.

LXIV. 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.

When Commission is superseded, Discharge void.

[See as to Ireland, c. 123. ante.]

C A P. CXXVI.

An Act to extend an Act made in the Eighteenth Year of His late Majesty King George the Second, to explain and amend the Laws touching the Elections of Knights of the Shire to serve in Parliament for *England*, respecting the Expences of Hustings and Poll Clerks, so far as regards the City of *Westminster*. [9th July 1811.]

WHEREAS by an Act passed in the Eighteenth Year of the Reign of His late Majesty King George the Second, intitled, *An Act to explain and amend the Laws, touching the Elections of Knights of the Shire to serve in Parliament for that Part of the United Kingdom called England*, it is, amongst other things, provided, that the Expences of erecting Booths and of engaging Poll Clerks, should be borne and defrayed by the respective Candidate or Candidates at such Elections, in the cases and in manner as in the same Act are more particularly mentioned and provided for: And whereas the Right of Election of Citizens to serve in Parliament for the City and Liberty of *Westminster*, is, by the last Determination of the House of Commons, of the Nineteenth Day of *March* One thousand seven hundred and ninety five, declared to be in the Inhabitants Householdors, paying Scot and Lot, of the United Parishes of *Saint Margaret* and *Saint John*, and of the several Parishes of *Saint Paul Covent Garden*, *Saint Anne*, *Saint James*, *Saint George Hanover Square*, *Saint Martin in the Fields*, *Saint Clement Danes* and *Saint Mary le Strand*, (including so much and such Parts of the said Parishes of *Saint Martin in the Fields*, *Saint Clement Danes* and *Saint Mary le Strand*, as are within the Liberties, Districts, Limits or Jurisdictions of the Duchy of *Lancaster*) and of the Liberty or District of *Saint Martin le Grand*, in the County of *Middlesex*, and of the Precinct of *The Savoy*: And whereas the Number of Persons entitled to vote under and by virtue of such last Determination, is very considerable, and far exceeding in Number the Voters in many of the Counties of the Kingdom; and there is no convenient public Building within the said City, wherein to hold the Election, and to

18 G. 2. c. 18.

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