

pounds out of the *sinking fund*, for the service of the year one thousand seven hundred and thirty four, and for appropriating the supplies granted in this session of parliament, *several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, amongst which, any sum or sums of money, not exceeding fifty two thousand six hundred and ninety pounds, fifteen shillings, and ten pence, was appropriated to be paid to the reduced officers of his majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf*; now it is hereby provided, enacted, and declared, that so much of the said sum of fifty two thousand six hundred and ninety pounds, fifteen shillings, and ten pence, ^{Surplus of the money granted last year for half pay how to be disposed of.} as is or shall be more than sufficient to satisfy and pay the said reduced officers, according to the said rules by the said act prescribed to be observed in the application thereof, or any part of such overplus, shall and may be disposed of to such officers, who are maimed or lost their limbs in the late wars, or such others as by reason of their long service or otherwise his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act, or the said former act, to the contrary notwithstanding.

C A P. XXIV.

An act to explain and amend an act passed in the second year of the reign of his present Majesty, intituled, An act for the relief of debtors with respect to the imprisonment of their persons.

WHEREAS an act was made in the second year of his present Majesty's reign, intituled, An act for the relief of debtors with respect to the imprisonment of their persons; ^{Preamble reciting the acts, 2 Geo. 2. c. 22.} which act was to continue in force for five years, and from thence to the end of the then next session of parliament, and no longer: and whereas an act was made in the third year of his present Majesty's reign, ^{3 Geo. 2. c. 27.} intituled, An act for explaining and amending an act made in the last session of parliament, intituled, an act for the relief of debtors with respect to the imprisonment of their persons; both which said acts expire with this present session of parliament; be it therefore ^{The said acts further continued to 25 March, 1740, &c.} enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said acts, and the several articles and clauses therein contained, not hereby altered (except the clause ^{Exception. Further continued by 21 Geo. 2. c. 33.} in the said first-mentioned act, for setting mutual debts one against the other) shall, together with the alterations and amendments herein after made, be and remain in full force and virtue until the twenty fifth day of *March*, which shall be in the year of our Lord one thousand seven hundred and forty, and from

thence to the end of the then next session of parliament, and no longer.

The time limited for exhibiting petitions.

II And to prevent persons who may be charged in execution from lying in prison until they have spent their substance, wherewith they should satisfy their creditors, and afterwards taking the benefit of the said recited acts when they have nothing left to deliver up to their creditors; be it enacted by the authority aforesaid, That from and immediately after the expiration of this present session of parliament, no person charged, or to be charged in execution, shall be allowed or permitted to exhibit a petition to any of the courts of law from whence the process issued, as is provided in the said recited acts, or one of them, unless such petition be exhibited before the end of the first term, which shall be next after the end of this session of parliament, or before the end of the term which shall be next after such person shall be charged in execution.

Persons taken by a *capias* for running of customable goods may be secured as before the passing those acts.

III *And whereas running of customable and prohibited goods is grown to an excessive height, and carried on with great violence by evil persons in defiance of the law, who do and may attempt to rescue such persons as shall or may be taken by virtue of a *capias*; and it is therefore not safe for persons so taken, to be carried by the officer to a private house, as is provided in the said recited acts, or one of them;* be it enacted by the authority aforesaid, That the said recited acts, or any part of them, shall not relate to any person who shall be taken by virtue of a *capias* for running of customable or prohibited goods, or for receiving such goods, knowing them to be run; but it shall and may be lawful for any officer or officers to secure such person or persons as shall be taken by virtue of such *capias* for the crimes aforementioned, in such manner as might have been lawfully done, if the said recited acts had never been made.

The clause in the first recited act relating to mutual debts, made perpetual.

IV. *And whereas the provision for setting mutual debts one against the other, is highly just and reasonable at all times;* be it therefore further enacted by the authority aforesaid, That the said clause in the said first recited act, for setting mutual debts one against the other, shall be and remain in full force for ever.

Exception.

V. And be it further enacted and declared by the authority aforesaid, That by virtue of the said clause in the said first recited act contained, and hereby made perpetual, mutual debts may be set against each other, either by being pleaded in bar, or given in evidence on the general issue, in the manner therein mentioned, notwithstanding that such debts are deemed in law to be of a different nature; unless in cases where either of the said debts shall accrue by reason of a penalty contained in any bond or specialty; and in all cases where either the debt for which the action hath been or shall be brought, or the debt intended to be set against the same hath accrued, or shall accrue, by reason of any such penalty, the debt intended to be set off, shall be pleaded in bar, in which plea shall be shewn how much is truly and justly due on either side; and in case the plaintiff shall recover in any such action or suit, judgement shall be entered

tred for no more than shall appear to be truly and justly due to the plaintiff, after one debt being set against the other as aforesaid.

VI. And be it further enacted by the authority aforesaid, That in all cases wherein by the said acts, or either of them, 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 affirming, shall incur and suffer such and the same pains, penalties, and forfeitures, as are inflicted and imposed by any laws and statutes of this realm upon persons convicted of wilful and corrupt perjury.

Quakers solemn affirmation shall be taken in lieu of an oath

C A P. XXV.

An act to indemnify protestant purchasers of estates of papists, against the penalties or forfeitures papists are liable to for not having inrolled their estates, in pursuance of an act of the third year of King George the first for that purpose.

WHEREAS in and by an act passed in the third year of the reign of his late majesty King George the First, intituled, *An act for explaining an act passed in the last session of parliament, intituled, an act to oblige papists to register their names and real estates, and for enlarging the time for such registering, and for securing purchases made by protestants; it was enacted, That no manors, lands, tenements, hereditaments, or any interest therein, should pass from any papist by any deed or will, except such deed, within six months after the date thereof, and such will, within six months after the death of the testator, should be inrolled in one of the King's courts of record at Westminster, or else within the said county or counties wherein the manors, lands, and tenements lay, by the custos rotulorum, and two justices of the peace, and the clerk of the peace of the said county or counties, or two of them at the least, whereof the clerk of the peace to be one: and whereas many purchases made by protestants since the making of the said act may be in danger of being impeached or called in question, by reason that some deeds or wills necessary to make out the title, have not been duly inrolled according to the directions of the said act: May it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no purchase really and truly made on or before the twenty fifth day of *March*, one thousand seven hundred and thirty five, for a full and valuable consideration, of any manors messuages, lands, tenements, or hereditaments, or of any interest therein, by any protestant or protestants, of any papist or papists, and merely and only for the benefit of protestants, shall be impeached or avoided, for or by reason that any deed or will necessary to make out the title to the same hath not been duly inrolled according to the said act; provided that such deed or*

Preamble, reciting 3 Geo. 1. c. 12.

Purchases for valuable consideration made before 25 March, 1735. not to be avoided, though not duly registered, if the deed or will be inrolled by 29 Sept.

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