

[STATUTES OF GREAT BRITAIN, 1732] [1]

*Anno Regni GEORGI II. REGIS
Magnæ Britanniæ, Franciæ, & Hiberniæ,
QUINTO.*

At the Parliament begun and holden at *Westminster*, the Twenty third Day of *January*, *Anno Dom. 1727*. In the First Year of the Reign of our Sovereign Lord *GEORGE II.* by the Grace of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

And from thence continued by several Prorogations to the Thirteenth Day of *January*, 1731. being the Fifth Session of this present Parliament.

*LONDON, Printed by John Baskett, Printer to the King's
moft Excellent Majefty. 1732.*

[CHAPTER XXXI.]

An Act for appointing Commissioners for taking, stating, and determining all the Claims and Demands of the Creditors of *The Charitable Corporation for Relief of Industrious Poor*, by affifting them with small Sums upon Pledges at legal Interest; and of all Persons claiming any Share or Interest in the Stock or Fund of the said Corporation, and for enabling the said Corporation to name One Person to be an Assignee under the respective Commissions of Bankruptcy awarded against *George Robinson* and *John Thomson*; and for enabling the Commissioners acting under the said Commissions of Bankruptcy to proceed and enquire of the Estates, Goods, and Effects of the said Bankrupts, and to apply the same; and to oblige *John Thomson*, Father of the said *John Thomson* the Bankrupt, to appear before the said Commissioners of Bankruptcy in *England*.

[1] **Preamble.**

WHEREAS many and great Disputes and Law Suits have arisen, and are like to continue, between the Proprietors of *The Charitable Corporation for Relief of Industrious Poor*, by affifting them with small Sums upon Pledges at legal Interest, and their Creditors:

And whereas the said Charitable Corporation have already suffered great Loss:

And whereas it is just and reasonable,

that the said Disputes should be settled with as little Expence, and in as short and easy a manner as may be, and

that the State of the Affairs of the said Corporation, and the Demands of all Persons claiming any Share, Interest, Debts, or Sums of Money into, out of, or from the same, may be ascertained, settled, adjusted, and determined:

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,

[1] [Source: a copy of the original officially printed Act. This lacks a chapter number and section numbers, which are added here. Title and preamble only, with notes of the sections, printed in *Statutes at Large*, Ruffhead (1764) vol 6 p 109; Pickering (1765) vol 16 pp 360-361; title only in Raithby (1811) vol 9 p 304. This act was passed (received royal assent) on 1 June 1732 and under the legal doctrine of the time it would have been deemed to have come into force retroactively to the date of commencement of the session on 13 January 1732 (i.e. the calendar year 1732; the legal or fiscal year was still 1731). Cited as the Charitable Corporation (Claims and Disputes) Act of 1731. Merely temporary in effect, it was finally repealed by the *Statute Law Revision Act, 1948*.]

[1.] Trustees
for ascertaining
Claims:

That *Robert Holford, John Benner, James Lightboun, William Kinaston, and Francis Elde*, Esquires, Five of the Masters of the High Court of Chancery, shall be, and they are hereby constituted and appointed Commissioners for taking, stating, and ascertaining the Accounts, Claims, and Demands

of all Persons being Creditors of the said Corporation, and

of all Persons Proprietors of, or any ways interested in the Fund or Stock of the said Corporation, or intitled to any Share or Shares thereof, or any ways interested in any of the Effects of or belonging to the said Corporation;

and that the said Commissioners, or any Three of them, shall have full Power and Authority

to state and ascertain the Accounts, and

to hear and determine the Claims and Demands of all and every such Persons in a summary way,

and that such Authority and Power of the said Commissioners shall continue for the space of Six Months, to be computed from the First Day of *June* One thousand seven hundred and thirty two, and from thence to the End of the then next Session of Parliament, and no longer.

Duration of
their Authori-
ty

[2.] Claims
to be entered.

And for the better effecting the Purposes of this Act, the said Commissioners are hereby authorized and required

to provide, or cause to be provided, on or before the Twelfth Day of *June* One thousand seven hundred and thirty two, a Book or Books, and therein to enter, or cause to be entered,

the respective Claims of all the Creditors of the said Corporation, and

also the Claims of all the Proprietors of any Parts or Shares of and in the Stock or Fund of the said Corporation, and

the Nature and Quality of the respective Debts and Interests by them respectively claimed;

and that from and after the said Twelfth Day of *June* One thousand seven hundred and thirty two, and until the End of the then next Session of Parliament, unless the Powers and Things to the said Commissioners granted and referred shall be sooner executed and compleated, Attendance shall be given daily and every day, or as often as shall

be necessary, at such convenient Place or Places within the Cities of *London* or *Westminster*, or the Limits of the Bills of Mortality [2], as the said Commissioners, or any Three of them shall appoint, for the entring such Claims and Demands;

and for that Purpose the said Commissioners are hereby further required, before the said Twelfth Day of *June* One thousand seven hundred and thirty two, to appoint

a proper Place within the Cities of *London* and *Westminster*, or Limits of the Bills of Mortality [2], and

a proper Officer or Officers to enter fairly and legibly in Writing, in such Book or Books,

all such Claims and Demands as shall be made and delivered into such Office or Offices by any such Creditors, Proprietors, or Persons interested as aforesaid, or by any Person or Persons by them authorized, and

the Sums of Money, Stocks, Shares, and Interests they respectively claim;

and the said Creditors, Proprietors, and other Persons interested as aforesaid,

are hereby required, on or before the First Day of *August* One thousand seven hundred and thirty two, to deliver, or cause to be delivered in Writing, fairly and legibly written, under the Hands of each such Creditor, Proprietor, or Person interested, or other Person or Persons by him, her, or them duly authorized, unto such Officer or Officers at such Place so to be appointed, a just and true Account of his, her, and their respective Claims or Demands upon the said Corporation, and

shall deliver to, and leave with the said Officer or Officers, a true and exact Copy of their several Security and Securities, by which they respectively claim;

and every Person so claiming, as aforesaid, shall, in his or her Claim respectively,

set down and express

Creditors to
deliver their
Claims by 1
Aug. 1732.

[2] "the bills of mortality"—This expression referred to a geographical area centred on London for vital statistics purposes. All parishes within the "cities of London and Westminster, the borough of Southwark, and thirty-four out-parishes in Middlesex and Surrey" (Mozley and Whiteley's *Law Dictionary*, 8th ed. (1970), p 45) had to report all deaths, or more accurately all burials in Church of England cemeteries, to a central office. The area was approximately that known later as metropolitan or greater London.

the Name of the Person or Persons from whom each such Claimant respectively purchased or obtained any Stock, Share, Debt, Sum of Money, or other Interest so to be claimed, and the true Price and Consideration paid and given for the same respectively, and

also to declare in such his or her Claim, whether the Stock, Share, Debts, Sums of Money, or other Interest so claimed, be

in his or her own Right, or

in Trust for any other Person or Persons, and in that case then to declare, in such his or her Claim, the Name or Names of the Persons or Persons for whom the same is in Trust, and all Defeazances by which they claim any Goods pledged to the said Corporation, or the Surplus of any Monies arising by the Sale of any Goods so pledged:

And the said Commissioners are hereby further authorized and required to employ One or more able Accountant or Accountants,

who by the Examination of the said Claims, and the Books of the said Corporation, shall

cast up, according to the best of his or their Skill and Knowledge,

what Sum or Sums of Money are due to the said Creditors of the said Corporation respectively, and

all Arrears of Interest thereupon, to such Creditors respectively due until the Twenty ninth Day of *September* One thousand seven hundred and thirty one, and

also cast up, adjust, and ascertain the several Shares of the several Proprietors in the Stock or Fund of the said Corporation, valuing and reckoning the same at Five Pounds *per Share*,

which Account or Accounts so made up

shall be signed by such Accountant or Accountants respectively, who shall make up the same, and

shall be delivered in to the said Commissioners by such Accountant or Accountants on Oath.

[3.]
Claims in
Trust. And be it further enacted by the Authority aforesaid, That all Claims for Infants shall or may be made by their Fathers or Guardians, or any other Person on their Behalf; and

all Claims for Femes Covert by their Husbands; and

all Claims for Madmen, Ideots, or Lunaticks, by such Person or Persons under whose Care or Custody they are or shall be at the Time of entering such Claims;

all which Claims shall be made and entered in such manner as directed by this Act.

And for the more regular and effectual stating, [4.] adjusting, settling, and determining such Accounts, Claims, and Demands as aforesaid, and putting this Act in Execution, it is hereby further enacted by the Authority aforesaid, That

the Committee Men, Directors, Assistants, Accountants, Treasurer, Cashier, Clerks, and all other Officers, Agents, and Servants of the said Corporation, by what Name or Names soever they, or any of them, are or may be called or distinguished, and

all and every other Person or Persons whatsoever, whom the said Commissioners, or any Three or more of them shall think fit to examine, in order to the due Execution of the Powers granted by this Act,

are hereby strictly enjoined and required

to attend the said Commissioners, from time to time, at such Times and Places as the said Commissioners, by Summons under the Hands of Three or more of them, shall require, direct, or appoint, and

to give such Information touching the said Claims, Demands, and Accounts, and such other Matters and Things as they shall be examined about, and that shall be enquired of by the said Commissioners, or any Three or more of them, concerning or relating to the Affairs of the said Corporation, or the Management thereof:

And the said Commissioners, or any Three or more of them, are hereby authorized

to sit from time to time, in such Place within the Cities of *London* and *Westminster*, or the Limits of the Bills of Mortality [2], as they shall think fit, with or without adjournment; and

to send their Precept or Precepts

for any Person or Persons whatsoever; and

Officers of the
Corporation

to assist the
Trustees.

also for all Books, Papers, Writings, or Records, as they shall judge necessary for their Information, relating to the said Accounts, Claims, and Demands, and other Matters and Things in this Act mentioned and contained, and

to administer an Oath or Oaths, or the solemn Affirmation to any Person or Persons being *Quakers*, for the better Discovery of the Truth of the Fact, concerning which such Inquiry shall be made;

and the said Commissioners, or any Three or more of them, are hereby authorized

to employ such Clerks, Messengers, and other Officers as they shall think meet; and

also to administer to every Accountant, Clerk, Messenger, and Officers by them to be employed, an Oath for the true and faithful Performance and Execution of the Trust in them severally reposed, without taking any Thing for such their Service, other than such Salary or Reward, as the said Commissioners, or the Survivors or Survivor of them, hereby constituted and appointed, shall order, direct, or appoint in that behalf.

[5.]

And it is hereby further enacted, That any Two of the said Commissioners hereby appointed, before they enter upon the Execution of this Act, shall take an Oath before the Master of the Rolls or Lord Chief Baron of His Majesty's Court of Exchequer for the time being,

which either of them is hereby authorized and required to administer to them the said Two Commissioners,

the Tenor whereof shall be as follows, that is to say;

Trustees Oath. *I A. B. do swear that I will, according to the best of my Skill and Knowledge, faithfully, impartially, and truly execute the Trusts, Power, and Authorities vested, and reposed in me, in and by an Act of Parliament [intituled, *An Act for appointing Commissioners for taking, stating, and determining all the Claims and Demands of the Creditors of The Charitable Corporation for Relief of industrious Poor, by assisting them with small Sums upon Pledges at legal Interest, and of all Persons claiming any Share or Interest in**

the Stock or Fund of the said Corporation, and for enabling the said Corporation to name One Person to be an Assignee under the respective Commissions of Bankruptcy awarded against George Robinson, and John Thomson, and for enabling the Commissioners acting under the said Commissions of Bankruptcy, to proceed and enquire of the Estates, Goods, and Effects of the said Bankrupts, and to apply the same, and to oblige John Thomson, Father of the said John Thomson the Bankrupt, to appear before the said Commissioners of Bankruptcy in England]

And every other of the said Commissioners in this Act named, before he enter upon the Execution of the said Act, shall likewise take the same Oath before the said Two Commissioners,

who are hereby authorized to administer the same to them, after they shall themselves have taken the said Oath, as aforesaid;

and if any of the said Commissioners shall presume to act in any of the Trusts, intended to be to them committed by this Act, before he respectively shall have taken the Oath by this Act appointed, and in manner herein prescribed, he shall forfeit to His Majesty the Sum of Five hundred Pounds, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or of the Case, Bill, Plaintiff, or Information, wherein no Essoign, Protection, Wager of Law, or more than one Imparlane shall be allowed.

Penalty on acting before taking the Oath.

And it is hereby further enacted by the Authority aforesaid, That the said Commissioners, or any Three or more of them, are hereby impowered and required,

in a summary way, to enquire and inform themselves by and upon the testimony of Witnesses upon Oath or solemn Affirmation as aforesaid, or the Examination of the Parties interested, or by the Inspection and Examination of Deeds, Writings, and Records, or otherwise, according to their Discretion,

of all the Claims and Demands of the Creditors of the said Corporation, and

of the Proprietors of any Parts or Shares of and in the Stock or Fund of the same, and

into the true and real Owners of the same, and

of all other Persons in any wise interested therein; and

to settle, adjust, ascertain, and determine the same in such Manner as to the said Commissioners or any Three or more of them shall seem just and reasonable, and

Judgments to be registered.

to make a Registry in a Book or Books to be provided for that Purpose, of all Orders, Adjudications, and Determinations made of and concerning the same.

[8.] Penalty on false Evidence.

And be it enacted by the Authority aforesaid, That all and every Person and Persons, who in any Examination directed to be taken by this Act, shall give false Evidence or Information before the Commissioners hereby appointed, being thereof legally convicted, shall be subject and liable to all the Pains and Penalties which any Person or Persons can or may by the Laws or Statutes of this Realm be subject or liable to for wilful and corrupt Perjury.

[9.] None Creditors for greater Sums than actually proved.

And it is hereby further enacted, That no Person or Persons whatsoever shall be deemed or taken to be a Creditor of, or Proprietor in the said Corporation, for any greater Sum or Interest than such Sums or Values as shall be proved, or appear to the Satisfaction of the said Commissioners, to have been really and *bona fide* paid

by the Person or Persons claiming the same, his or their Testator or Intestate, as the Consideration, and

for the Purchase of the Debt, Sum of Money, Share, or Interest, to be claimed by such Person or Persons respectively.

[10.] Persons refusing to answer Trustees

And it is hereby further enacted by the Authority aforesaid, That in case any Person or Persons, summoned to appear before the said Commissioners,

shall neglect or refuse to appear and be examined touching the Matters and Things by this Act directed to be enquired into, or

shall refuse to answer, or shall not fully answer to the Satisfaction of the Commissioners present at the time of such Examination, or the major part of them, all Questions put to him, her, or them, by the said Commissioners, or the major part of them,

as well by word of Mouth,

as by Interrogatories in Writing;

it shall and may be lawful to and for the said Commissioners, or the major part of them, by Warrant under their Hands and Seals,

to commit him, her, or them, to such Prison as the said Commissioners, or the major part of them shall think fit,

there to remain without Bail or Mainprize, until such Person or Persons shall

submit him, her, or themselves to the said Commissioners, and

full answer make to the Satisfaction of the said Commissioners, to all such Questions as shall be put to him, her, or them, as aforesaid, according to the true intent and meaning of this Act.

Provided always, That in Case any Person or Persons shall be committed by the said Commissioners, for refusing to answer, or not fully answering any Question or Questions put to him, her, or them, by the said Commissioners by word of Mouth, or on Interrogatories, the said Commissioners shall in their Warrant of Commitment specify such Question or Questions.

[11.] Cause of Commitment to be specified in the Warrant.

And whereas Differences and Disputes may arise touching the said Claims, Demands, and Interests, and concerning the ascertaining and determining the same by the said Commissioners;

be it therefore enacted by the Authority aforesaid, That the Justices of the Court of King's Bench, and Common Pleas, and the Barons of the Coif of the Exchequer for the time being, or any Three or more of them sitting at the same Time and Place, and not otherwise, shall, and are hereby authorized from time to time, to hear and determine all Differences, Disputes, or Controversies, touching or concerning

any Claims or Demands of the Creditors of the said Corporation, and

the Property of and in any Parts or Shares in the Stock or Fund of the same,

which

shall be claimed within the time hereby limited for making such Claims, and

Final Determination of disputed Claims.

cannot be liquidated or adjusted between the said Commissioners and the respective Claimants within the time herein before limited in that behalf;

and that the said Justices and Barons, or any Three or more of them, from time to time, with or without Adjournment, summarily shall and may, upon the Testimony of Witnesses upon Oath, Examination of Parties interested, or by all or any of the said Ways and Means, or otherwise, proceed to the hearing and determining of every or any such Difference or Dispute;

and that the definitive Order of the said Justices and Barons, or any Three or more of them, as aforesaid, therein shall be final,

from which there shall be no Appeal or Review, nor shall any Writ of Error or *Certiorari* lie for Removal or Reversal of the same;

and also that the said Justices and Barons, or any Three or more of them,

upon a Complaint to be made by or for any such Claimant, Creditor, or Proprietor, or the said Corporation,

so as such Complaint be made within Twenty Days after any such Determination of the said Commissioners,

shall issue out Notes or Warrants under their Hands, or the Hands of any Two of them, thereby warning the said Commissioners, or any Three or more of them, to appear before them at such Time and Place as in such Note or Notes shall be specified touching such Complaint;

and

upon Appearance of the Commissioner or Commissioners so summoned, or

upon

Default of Appearance, and

Oath made of due Notice given or left at their publick office

(which Oath the said Justices and Barons, or any Three or more of them are hereby enabled to administer)

the said Justices and Barons, or any Three or more of them, may proceed to make such final and definitive Order as aforesaid;

and every such final and definitive Order shall conclude and bind all the Parties thereunto, notwithstanding any Coverture, Infancy, Non-sanity of Memory, Absence beyond Sea, or other Disability in any Person or Persons concerned therein.

Provided also, and it is hereby further enacted, That in case the said Corporation shall think themselves aggrieved by any Sentence or Determination of the said Commissioners hereby appointed, it shall and may be lawful for the said Corporation to appeal from such Sentence or Determination to the said Justices and Barons, in such Manner and Form as any of the Claimants or Creditors of the said Corporation are herein before enabled to do.

[13.]
Appeals from
Trustees.

And be it further enacted, That the said Commissioners, or any Three of them, and the said Justices and Barons, or any Three or more of them, for the Matters, and according to their respective Powers relating to the said Claims, shall be, and shall be taken to be Courts of Record,

and that the Judgments and Determinations, which shall be severally and respectively made therein by the authority of this Act, shall be recorded in a Book or Books of Parchment to be provided and kept for that Purpose;

and that every such Judgment and Determination shall be signed by Three or more of the said Commissioners, or Three or more of the said Justices and Barons;

which Book or Books of Record shall remain in some certain Place to be appointed by the said Commissioners, or any Three or more of them, and the said Justices and Barons, or any Three or more of them respectively, to remain perpetual standing Records;

and all Persons concerned, or to be concerned, may repair to view the same, and thereout to take Copies of all such Judgments and Determinations as shall relate to him, her, or them;

and that none of the said Justices or Barons shall take any Fee or Reward whatsoever, directly or indirectly, for any thing to be done by them by virtue or colour of this Act touching the said Claims or any of them.

[14.] Final
Determi-
nations to be
registered.

[15.] Persons
possessed of
Goods be-
longing to the
Corporation
11 Octob.
1731. to dis-
cover them.

And it is hereby further enacted, That all and every Person and Persons who were possessed of any Goods, Chattels, or Effects of, or belonging to the said Corporation on the Eleventh Day of *October*, One thousand seven hundred and thirty one, or are or shall be thereof possessed, are hereby strictly charged and required to discover and make known the same to the said Commissioners, or some of them, or some or one of their Clerks, Officers, or Agents, on or before the Twenty ninth Day of *September*, One thousand seven hundred and thirty two;

and the said Commissioners, or any Three or more of them, shall and may thereupon allow to every Person so discovering the same such Proportion thereof, or Reward, or Consideration, for and in Respect of such Discovery, as they shall think reasonable, not exceeding

One Fifth Part of the Net Produce of the Goods or Effects recovered by such Discovery in any Part beyond the overing Seas, and

One Tenth Part of the Net Produce of the Goods or Effects recovered by such Discovery remaining within this Kingdom;

and that all and every Person and Persons, being possessed of any such Goods or Effects as aforesaid, and

neglecting to discover the same as aforesaid, within the time herein before limited,

shall for such Offence forfeit treble the Value of such Goods and Effects,

to be recovered as aforesaid, and

to be applied to the Use of the said Corporation.

[16.] Allow-
ance for
Discovery.

And it is hereby further enacted, That any other Person who shall, at any time before or after the said Twenty ninth Day of *September*, One thousand seven hundred and thirty two, discover to the said Commissioners, or any Three or more of them, any such concealed Goods or Effects, shall have and receive for his and her Reward so much as the said Commissioners, or any Three or more of them shall think reasonable,

not exceeding one Fifth Part of the Value of the Goods and Effects so to be discovered, being in any Part beyond the Seas, and

not exceeding one Tenth Part of the Value of the Goods and Effects so discovered remaining within this Kingdom,

to be paid or delivered to the Person so discovering, by Warrant from the said Commissioners, or any Three or more of them, immediately after the Recovery of the same.

And it is hereby further enacted and declared, That all Transfers and Assignments

of any Debts or Sums of Money due from the said Corporation, or

of any Parts or Shares of the Stock, or Fund of the same,

which,

after the Eleventh Day of *October*, One thousand seven hundred and thirty one, and before [sic]
11 Octob.
1731.

before such Debts, Sums of Money, Shares, and Interests respectively shall be adjusted, settled, ascertained, and determined pursuant to the Directions of this Act,

shall be deemed and adjudged to be and are hereby declared to be void;

and also that all Actions, Suits, and Process whatsoevers,

which have been commenced, and are now depending, or

which from and after the Twentieth Day of *May*, One thousand seven hundred and thirty two shall be commenced, carried on, or prosecuted after 10 May
[1]732.

by any Person or Persons for the Recovery of any Debt or Sum of Money, or other Effects due or pretended to be due from, or retained by the said Corporation, shall be stayed for the Space of Six Months, to be computed from the said Twentieth Day of *May*, One thousand seven hundred and thirty two, and until the end of the then next Session of Parliament.

And it is hereby further enacted by the Authority aforesaid, That each and every of the Commissioners herein before named for the Purposes of this Act, shall, for his Labour, Pains, and Service, when he hath put in Execution and compleated the several Trusts and Authorities hereby in him vested and reposed, have and receive to his own Use the Sum of Two hundred Pounds, to be issued and

[17.]
Transfers of
Stock

void,
and Prosecu-
tions

after 10 May
[1]732.

stayed.

[18.]
Reward of
Trustees,

paid by the Cashire of the said Corporation for the time being, out of the Cash of the said Corporation in his Hands or Custody,

and others.

who shall and is hereby authorized to issue and pay such further Sum or Sums of Money

for the Labour, Pains, and Service of such inferior Officers to be appointed as aforesaid, and

for incident Charges,

as shall be adjudged reasonable and necessary by the said Commissioners, or any Three of them, signified by a Warrant or Precept under their Hands and Seals to the said Cashire;

and such Salary and Salaries respectively shall not be subject or liable to any Deduction for or in respect of any Taxes assessed, or to be imposed by any present or subsequent Act of Parliament.

[19.]
Claims not
entered in the
Time limited,
void.

And it is hereby further enacted by the Authority aforesaid, That

all and every Claim and Claims of any Debt, Share, Stock, or Interest in, out of, or from the said Corporation, or

any Demand for any Surplus of Money upon Goods sold, which have been pledged to the said Corporation,

which shall not be delivered and entered in manner and within the Time limited by this Act, shall be, and is, and are hereby declared to be void and of none Effect to all Intents and Purposes whatsoever.

[20.]

And whereas several Commissions of Bankruptcy have already issued against

John Thomson late Warehousekeeper to the said Corporation, and

George Robinson late Agent and Banker to the said Corporation,

and all their Estates and Effects respectively have been by such Commissions respectively assigned to *Christian Cole* Esquire, and *William Wilkinson, Lascelles Metcalf*, and *Timothy Lane*, as Assignees of the said Commissioners respectively:

And whereas the said *John Thomson*, and *George Robinson* are very largely indebted to the said Charitable Corporation,

and in regard the said Charitable Corporation is so largely concerned in Interest, in the Discovery and Collecting in of the said Estate and Effects of the said *John Thomson* and *George Robinson*, it is reasonable that one of the Assignees in each of the said Commissions should be a Person nominated and appointed by the said Charitable Corporation;

be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Charitable Corporation, in a General Court of the said Corporation, to choose one Assignee under each of the said Commissions,

and that the Persons so chosen shall be nominated and certified to the Commissioners named and authorized in and by each of the said Commissions respectively, under the Common Seal of the said Corporation,

and thereupon the Commissioners in the said Commissions respectively, or the major part of them, shall at the Costs and Charges of the said Corporation, execute a new Assignment of all the Estate and Effects of the said Bankrupts respectively,

to the present Assignees thereof, and

to such Person, who shall be so chosen, nominated, and certified by the said Corporation;

and such Persons are hereby declared and enacted

to be, from the Time of such new Assignment, joint Assignees of the Estate and Effects of the said Bankrupts respectively, and

to have an equal Authority in and over and concerning the same;

and all and singular the Estates, Effects, and Debts of the said Bankrupts respectively are hereby declared and enacted to be from the Time of such new Assignment fully and absolutely vested in such joint Assignees to all Intents and Purposes, and

in the same, and as full and ample manner, as the same is now vested in the present Assignees of the said Commissions respectively.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Charitable Corporation, in a General Court thereof, from time to time,

The Corpora-
tion in a gen-
eral Court
may choose
an Assignee
for each
Bankrupt's
Estate;

[21.]
and displace
them again.

to displace and remove the Person to be chosen and nominated by the said Corporation, as aforesaid, as Assignees in both or either of the said Commissions; and

also in like manner to choose another Person to be Assignee in the Room of the Person so removed;

and such Removal, and also the Person so new chosen, shall be certified, under the Company's Seal of the said Corporation, to the Commissioners in the said Commissions respectively, or the major Part of them,

who thereupon shall and are hereby required, at the Costs and Charges of the said Corporation, to execute a new Assignment of all the Estate and Effects of the said Bankrupts respectively, to

such Person as shall be so new chosen and certified by the said Corporation as aforesaid, and the other Assignee or Assignees of the said Commission respectively;

and by such Assignment all the Estate, Effects, and Debts of the said Bankrupts respectively, as shall be then standing out, and undisposed of by the former Assignees, shall be and is hereby vested, to all Intents and Purposes, in the Persons to whom such new Assignment as aforesaid shall be made, as fully as the same was and were vested in the former Assignees.

[22.]

And it is hereby further enacted, That every such Assignee, as shall be appointed and removed by the said Corporation as aforesaid,

shall and is hereby required and obliged to join in such new Assignment by the Commissioners as aforesaid, if thereunto required, and

shall deliver over upon Oath, unto the Persons named as Assignees in such new Assignment,

all such Goods, Wares, Merchandizes, and other Estates and Effects whatsoever, and

all Books, Papers, Writings, and Accounts

belonging to the said Bankrupts respectively, or their respective Estates, as shall be in his Hands, Custody, Power, or Possession, and undisposed of,

any Law, Statute, Matter, or Thing to the contrary notwithstanding.

Effects to be delivered to the new Assignees.

And whereas by an Act passed this Session of Parliament, intituled, *An Act to encourage and compel George Robinson Esquire, and John Thomson to appear and produce the Books, and discover the Effects of the Charitable Corporation, for Relief of Industrious Poor, by assisting them with small Sums upon Pledges at legal Interest, and to be examined thereupon at the Times and Places therein mentioned*: It was enacted, That if the said George Robinson and John Thomson respectively

should not, on or before the Thirtieth Day of March, in the Year of our Lord One thousand seven hundred and thirty two,

appear before either House of Parliament, or a Committee of either House of Parliament, and

submit to be examined in such Manner as is directed by the said Act, and

in that case should not, on or before the Fourth Day of April, One thousand seven hundred and thirty two,

surrender himself or themselves respectively to the Commissioners named in the Commissions of Bankruptcy therein mentioned, or some of them, and

submit to be examined from time to time upon Oath, by and before the said Commissioners, or the major Part of them, and

in all Things conform themselves to the several Statutes already made concerning Bankrupts, and

also upon such Examination fully and truly disclose and discover how and in what Manner, and to whom, and upon what Consideration, they have disposed, assigned, or transferred any Goods, Wares, Merchandizes, Money, or other Effects or Estate, and all Books, Papers, and Writings relating thereunto,

of which they the said George Robinson, and John Thomson, were respectively possessed, or

in or to which they were any ways interested or intituled, or

which any Person or Persons had or hath, or have had in trust for them or for their Use respectively,

[23.]
Recital of the Act against G. Robinson and J. Thomson.

on the Twenty ninth Day of *September*, in the Year of our Lord One thousand seven hundred and thirty, or at any Time since; and

also deliver up to the said Commissioners, or the major Part of them,

all such Goods, Wares, Merchandizes, Effects, and Estate, and

all Books, Papers, and Writings relating thereto,

as at the Time of such Examination before such Commissioners should be in the Possession, Custody, or Power of the said *George Robinson* or *John Thomson*, or either of them,

then such of them the said *George Robinson* and *John Thomson* as should be guilty of any Default or wilful Omission therein, being thereof lawfully convicted by Indictment, should be deemed and adjudged to be a Felon, and should suffer as a Felon without Benefit of Clergy:

And whereas the said *George Robinson* and *John Thomson*, or either of them, have not appeared before either House of Parliament, nor have surrendered themselves to the said Commissioners of Bankruptcy in such Manner as is directed by the said Act,

whereby, upon their being respectively indicted and convicted thereof, they are respectively liable to be adjudged Felons, by which means their Goods and Chattles will become forfeited to His Majesty:

And whereas His Majesty has been graciously pleased to signify His Royal Intention, that all Forfeitures thereby accruing to him should go and be applied in such Manner as by the Wisdom of Parliament shall be judged proper:

Be it therefore enacted by the Authority aforesaid, That the respective Commissioners acting under the Commission of Bankruptcy awarded against the said *George Robinson* and *John Thomson*, and the respective Assignees acting under the said Commissions respectively, shall and may proceed

to enquire of all and every the Estates, Goods, Chattels, and Effects of the said *George Robinson* and *John Thomson* respectively, and

to make Distribution thereof in such Manner and Proportion amongst the respective Creditors of

the said *George Robinson* and *John Thomson*, as if the before recited Act had never been made; any thing therein contained to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That in case any Surplus shall remain of the respective Estates, Goods, Chattels, and Effects of the said *George Robinson* and *John Thomson*, after all their respective just Creditors shall have been fully satisfied and paid, the same shall go and be applied to the Use of *The Charitable Corporation for Relief of Industrious Poor*, by assisting them with small Sums upon Pledges at legal Interest.

And whereas it is highly necessary that *John Thomson* of Edinburgh, Father of *John Thomson* Warehouse-Keeper to the said Corporation, should appear before the Commissioners in a Commission of Bankruptcy awarded against the said *John Thomson* his Son, when duly summoned;

be it therefore enacted by the Authority aforesaid, That in case the said *John Thomson* the Father shall not, within Thirty Days after Summons or Notice from the said Commissioners, or any Three or more of them, given or left at his Dwelling House or usual Place of Abode, appear before the said Commissioners, or any Three or more of them, then the said *John Thomson* the Father shall be adjudged Guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy;

and if the said *John Thomson* upon his Appearance

shall not submit to be examined upon Oath by and before the said Commissioners or the major part of them, or

shall refuse to answer all such Questions as shall be put to him by the said Commissioners, or the major part of them, concerning or relating to

the Effects of the said *John Thomson* the Son, and

his Transactions in and about the Affairs of the said Corporation,

not having a reasonable Objection to be allowed by the said Commissioners, then, and in such Case the said *John Thomson* the Father shall be committed by any Three or more of them, by Warrant under their Hands and Seals to the Prison of the Fleet, there to remain without Bail or Mainprize

[24.]
Surplus of the
respective
Estates to go
to the Corpora-
tion.

[25.]

J. Thomson's
Father not
submitting to
Examination,
declared a
Felon.

Commission-
ers of each
Bankrupt
how to act.

until such Time as he shall submit to be examined, and answer to such Questions, as aforesaid.

[26.] John's Father answering, not to hinder any other Evidence. Provided always, That the said *John Thomson's* answering to such Questions, as aforesaid, shall not hinder or prevent the bringing any other Evidence against him in any Suit that may be instituted in that Part of *Great Britain* called *Scotland*, for discovering and recovering such of the said *John Thomson* the Son's Effects, as may have been lodged in or come to his Hands; any Law, Custom, or Usage to the contrary in any wise notwithstanding.

[27.] Commissioners to deliver Accounts to the Parliament. And be it further enacted by the Authority aforesaid, That the said Commissioners hereby appointed shall, and they are hereby required to deliver into each House of Parliament, within Fourteen Days after the opening of the next Session, a particular and distinct Account in Writing of the Effects of their Doings and Proceedings in the Execution of the Trust hereby reposed in them.

[28.] Proceedings not liable to the Stamp Duties. Provided always, That the Entries or Copies of the Proceedings of the Commissioners, or of the Justices of the King's Bench, Common Pleas, and Barons of the Exchequer, to whom Appeals are hereby directed to be made, or any of them, shall not be subject or liable to any of the Stamp Duties; any Law or Statute to the contrary notwithstanding.

[29.] Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Publick Act, of which all Judges and Justices are to take notice;

and if any Action shall be brought against any Person for what he shall do in pursuance of this Act, such Person shall and may plead the General Issue, and give this Act and the special Matter in Evidence.

FINIS.
