

or imprisoned on any process for the recovery of any debt, damages or costs, contracted, owing or growing due, before his or her discharge as aforesaid, the court or justice; before whom such process shall be returned, shall and may discharge the party arrested out of custody, on his or her common appearance being entered, without any special bail; provided, that the discharge of the said prisoner shall not acquit any other person from such debt, damage or cost, or any part thereof, but that all such persons shall be answerable for the same, in such manner as they were before the passing this act.

C H A P.  
XXVIII.

VIII. **Provided always,** That in case any creditor or creditors of such prisoner shall, on the day appointed for the discharge of the same prisoner, appear at the prison or court-house aforesaid, before the said justices, before the same prisoner is discharged, and shall allege that such prisoner hath either directly or indirectly sold, lessened, or otherwise disposed of, in trust, or concealed, all or any part of his lands, money, goods, stock, debts, securities, contracts, or estate, whereby to secure the same, to receive or expect any profit or advantage thereof, or to deceive or defraud any creditor or creditors to whom such prisoner is or shall be indebted, and shall also enter into bond to such prisoner in the penalty of fifty pounds current money, with such surety or sureties as the said justices, or any two of them, shall approve, conditioned to pay and satisfy all damages and costs such prisoner shall sustain or be put to by reason of such creditor or creditors objecting against the said prisoner's discharge, and the same allegation being determined and adjudged against the said obligor, and shall lodge the said bond with the said justices, then such justices shall not grant any discharge of such prisoner, but shall wholly stay any further proceeding in order thereto, and return the said bond to their next county court the second day of the sitting thereof at farthest; and the justices of the county court aforesaid shall and may hear and determine, in a summary way, such allegation of the creditor or creditors aforesaid, and if the same shall be determined by the said court against such prisoner, then the same prisoner shall have no aid or benefit of this act, and judgment shall pass against him or her for costs; but if the determination of the justices of the county court on such allegation shall be against such creditor or creditors, then the prisoner or prisoners aforesaid shall, by the said court, be immediately discharged, on his or her making, subscribing and delivering, in open court, such schedule and duplicate as aforesaid, and there taking such oath or affirmation as aforesaid; and all his or her estate shall thereupon be invested in the sheriff, sold and disposed of, and applied, as if he or she had been discharged by the said three justices, or any two of them: And it shall and may be lawful for the said justices of the county court to ascertain and determine the *quantum* of the damage, if any, that the prisoner hath sustained, by reason of the false allegation of such creditor or creditors, and thereupon adjudge the same with costs to the prisoner, provided such damages and costs shall not exceed the penalty of the said bond.

Proviso.

IX. **And,** to the end that the truth may be the better inquired into, **It is enacted,** That the justices of the county court aforesaid may, at such time or times as they see proper, order the sheriff to bring the body of any prisoner, against whose discharge such objection shall be made as aforesaid, before the same court, and the same prisoner again remand to prison, and may appoint such time as they shall see fit for the trial of the issue, to be joined as aforesaid, which is hereby required to be with as little delay as may be.

Justices may order prisoners to be brought before the court, &c.

X. **And it is hereby declared and enacted,** That the damages and costs, so to be recovered by any prisoner as aforesaid, shall not be vested in the sheriff, or in anywise subjected to the benefit of any creditor or creditors.

Damages, &c. not to be vested in sheriff.

XI. **And be it enacted,** That any person who shall take the oath or affirmation by this act directed, and shall upon indictment be convicted of perjury, or of wilfully and corruptly affirming any matter or thing therein contained, such person shall suffer as in cases of wilful and corrupt perjury, and likewise be liable to be taken on process *de novo*, and charged in execution for his or her debts, and shall never after have the benefit of this act.

Persons convicted of perjury to suffer as in other cases, &c.

XII. This