



Judgments Act 1838

1838 CHAPTER 110

LXIII Affidavits may be received in opposition to Prisoner's Discharge in certain Cases.

Provided always, and be it further enacted, That where any Prisoner, whose usual Place of Abode at or lately before his or her Imprisonment was otherwise than in *Middlesex, Surrey, London, or Southwark* aforesaid, shall be so brought before the said Court for the Relief of Insolvent Debtors, it shall be lawful for the said Court to receive the Affidavits of any Creditor or Creditors or other Person or Persons not resident within *Middlesex, Surrey, London, or Southwark* aforesaid, in opposition to the Discharge of such Prisoner under this Act, and also, if such Court shall think fit, to permit Interrogatories to be filed for the Examination or Cross-examination of any Person making or joining in such Affidavits, and to adjourn the Hearing and Examination of such Prisoner until such Interrogatories shall be fully answered to the Satisfaction of the said Court; and where any Prisoner shall be brought before any Commissioner of the said Court on his Circuit, or before any such Justices as aforesaid, at their Sessions aforesaid, and the usual Place of Abode of such Prisoner at or lately before his or her Imprisonment shall have been other than in the County or Riding where such Prisoner shall be brought up, it shall be lawful for such Commissioner or Justices to receive the Affidavits of any Creditor or Creditors, or other Person or Persons, not resident within the County or Riding where such Prisoner shall be brought up, in opposition to the Discharge of such Prisoner under this Act, and also, if such Commissioner or Justices shall think fit, to permit Interrogatories to be filed for the Examination or Cross-examination of any Person making or joining in such Affidavits, and to adjourn the Hearing and Examination of such Prisoner until such Interrogatories shall be fully answered to the Satisfaction of the said Commissioner or Justices.