

1774.

3 HENRY HARFORD, Esq;

C H A P. XXII.

as before excepted) for the Satisfaction of his, her, or their Debts, in such Sort, Manner, and Form, as he, she, or they might have done if the said Prisoners, or any of them, had not been taken in Execution, or discharged by virtue of this Act.

ACTIONS OF ESCAPE.

V. And be it further enacted, by the Authority aforesaid, That if any Action of Escape be brought against any Sheriff, or any Suit or Action against any Justice or Justices for their performing their Duty in Pursuance of this Act, he or they may plead the General Issue, and give this Act and the special Matter in Evidence, and if the Plaintiff be nonsuit or discontinue his Action, or Verdict pass against such Plaintiff, or Judgment upon Demurrer, the Defendant shall have and recover double Costs.

Proviso, as to Escape.

VI. Provided also, That nothing in this Act shall extend, or be construed to extend, to bar any Creditor or Creditors of the before-mentioned Prisoners, from having and maintaining any Action of Escape against any Sheriff who hath permitted any Escape before the making this Act.

In Case of Perjury.

VII. Provided nevertheless, That in Case any of the said Prisoners shall, at any Time after making such Oath or Affirmation as aforesaid, be convict of wilful and corrupt Perjury thereupon, or of a wilful Breach or Non-compliance with the Tenor of such Oath or Affirmation as aforesaid, that then the said Prisoner shall, upon such Conviction as aforesaid, be wholly deprived of any Benefit intended to him, her, or them, by this Act, and shall from thenceforth be liable to be prosecuted for any Debt or Demands whatsoever, in the same Manner as if this Act had never been made, any Thing to the contrary notwithstanding.

Sheriff's Fees to be First paid.

VIII. Provided also, That the respective Sheriffs of the Counties aforesaid shall be first paid and satisfied for their Imprisonment Fees, before any Creditor or Creditors shall have or receive any Share or Part of the Estates of the said Prisoners respectively, or of the Produce thereof.

Notice to be given of the Sale of the Prisoners Estates, &c.

IX. And be it further enacted, That after public Notice given, by Advertisements set up at the Court-House Door of the County, Thirty Days at the least of the Sale of any of the said Prisoners Lands, and Five Days at the least of the Sale of the said Prisoners other Estate, the said Sheriffs to whom any of the said Estates, Real or Personal, shall be surrendered and delivered up, in pursuance of this Act, shall set up and expose such Estates to sale, by Way of public Vendue, in the Presence of one Justice of the Peace, and the Produce arising by such Sale shall be by the said Sheriffs in Manner following paid and satisfied, that is to say, after Satisfaction of the aforesaid imprisonment Fees, that the Estate and Interest of the aforesaid Prisoners respectively, upon which their Judgment Creditors, or any claiming or that shall Claim under them, by Assignment or otherwise, have or shall have any Lien on the Produce thereof, shall be in the First Place, after Satisfaction of the Sheriffs as aforesaid, applied to the Discharge of the said Creditors, according to the Order and Priority of their Judgments, and the Lien arising therefrom, and that the Residue of the Estate and Interest of the said Prisoners respectively, or the Produce thereof, shall be distributed among all their Creditors that shall apply therefor within Thirty Days after the aforesaid Sale, in equal Proportion to their Demands.

X. And