



# Execution Act 1844

1844 CHAPTER 96

**LVIII Persons in Execution at the Time of passing this Act where the Debt shall not exceed 20l. and Costs shall be discharged on Application to a Judge. Proviso for Discharge fraudulently obtained. Sheriffs, &c. not liable as for Escape. Judgment to remain in force notwithstanding the Discharge of the Debtor.**

And be it enacted, That all Persons in Execution at the Time of passing this Act, upon any Judgment obtained in any of the Courts aforesaid in any Action for the Recovery of any Debt wherein the Sum recovered shall not exceed the Sum of Twenty Pounds, exclusive of the Costs recovered by such Judgment, shall and may, upon the Application of every such Person or Persons for that Purpose, made at any Time after the passing of this Act, to a Judge of one of Her Majesty's Superior Courts of Law at *Westminster*, or to the Court in which such Judgment shall have been obtained, to the Satisfaction of such Judge or Court, be forthwith discharged out of Custody as to such Execution by an Order of such Judge or Court: Provided always, that if it shall happen that any such Discharge shall have been unduly or fraudulently obtained upon any false Allegation of Circumstances, which, if true, might have entitled the Prisoner to be discharged by virtue of this Act, such Prisoner shall, upon the same being made to appear to the Satisfaction of the Judge or Court by whose Order such Prisoner shall have been so discharged, be liable to be again taken in Execution, and remanded to his former Custody by an Order of such Judge or Court: Provided also, that no Sheriff, Gaoler, or other Person whatsoever shall be liable as for the Escape of any such Prisoner in respect of his Enlargement during such Time as he shall have been at large by means of such his undue Discharge as aforesaid: Provided also, that, for and notwithstanding the Discharge of any Debtor or Debtors by an Order of any such Judge or Court in manner aforesaid, the Judgment whereupon any such Debtor or Debtors was or were taken or charged in Execution shall nevertheless remain and continue in full Force to the Intent and Purpose that the Judgment Creditor or Creditors may have and take Remedy and Execution upon every such Judgment against the Property and Effects of any such Debtor or Debtors, in such Manner and Form as such Creditor or Creditors otherwise could or might have done in case such Debtor or Debtors had never been taken or charged in Execution upon such Judgment, and it shall be lawful for such Creditor or Creditors to have and take such Remedy and Execution.