

AN ACT to explain and amend an Act passed in the second Year of the Reign of His present Majesty, intituled "An Act for the Relief of Debtors with respect to the Imprisonment of their Persons."

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4. And whereas the provision for setting mutual debts one against the other is highly just and reasonable at all times: The said clause in the said recited Act, for setting mutual debts one against the other, shall be and remain in full force for ever.

The clause in the first recited Act, relating to mutual debts, made perpetual.

5. Mutual debts may be set against each other, either by being pleaded in bar or given in evidence on the general issue, in the manner therein mentioned, notwithstanding that such debts are deemed in law to be of a different nature; unless in cases where either of the said debts shall accrue by reason of a penalty contained in any bond or specialty; and in all cases where either the debt for which the action hath been or shall be brought, or the debt intended to be set against the same, hath accrued or shall accrue by reason of any such penalty, the debt intended to be set off shall be pleaded in bar, in which plea shall be shown how much is truly and justly due on either side; and, in case the plaintiff shall recover in any such action or suit, judgment shall be entered for no more than shall appear to be truly and justly due to the plaintiff, after one debt being set against the other as aforesaid.

Exception.

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