

ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

CAP. CXIV.

An Act to amend an Act, made in the last Session of Parliament, for the Relief of Insolvent Debtors in *Ireland*. [23d *July* 1814.]

WHEREAS by an Act made in the last Session of Parliament, for the Relief of Insolvent Debtors in *Ireland*, it is enacted, that it shall be lawful for every Person who shall be a Prisoner in any Prison in *Ireland*, upon any Process whatsoever, issuing from any Court whatsoever, for or by reason of any Debt, Damages, Costs, Sum or Sums of Money, or Contempt for Nonpayment of Money, and who shall have been in Custody upon some Process for some or One of the said Debts or Demands, during the Space of Three Calendar Months or more, to apply by Petition in a summary way to the Court from whence such Process issued, for his or her Discharge from such Confinement, according to the Provisions of the said recited Act: And it is also by the said recited Act enacted, that if any Person shall be confined under the Process of Two or more Courts, then if any One of the said Courts shall be one of His Majesty's Superior Courts in *Dublin*, such Petition shall be presented to such Court; and if all such Courts, or any Two or more of them, shall be such Superior Courts, that then and in such Case such Petition shall be presented to such of the said Superior Courts under whose Process such Person shall have been first detained in Custody; and if all the said Courts shall be Inferior Courts, then if such Prisoner shall be so detained in the

53 G. 3. c. 138. s. 2. empowering Courts to discharge Insolvent Debtors.

County of *Dublin*, or County of the City of *Dublin*, ſuch Petition ſhall be preſented to the Court of Common Pleas; and if in any other Part of *Ireland*, then ſuch Petition ſhall alſo be addreſſed to the ſaid Court of Common Pleas, with Power to the ſaid Court either to proceed on ſuch Petition or to give Authority to the Judge or Judges of Aſſize for the County, County of a City, or County of a Town in which any ſuch Priſoner ſhall be detained, to proceed as in the ſaid Act is mentioned: And it is further enacted, that in caſe the Court to whom any Priſoner ſhall apply to be diſcharged, according to the Directions of the ſaid recited Act, ſhall be of Opinion that ſuch Priſoner is entitled to the Benefit of the ſaid Act, then and in ſuch Caſe the ſaid Court ſhall ſo order and adjudge: And whereas in the ſaid recited Act divers Clauſes and Poviſions are contained, for empowering the ſaid Courts reſpectively to whom any ſuch Priſoner ſhall apply to be diſcharged, to give Judgment, and to make divers Orders, and to do divers Matters and Things with reſpect to the Diſcharge of all Priſoners ſo applying, and with reſpect to the Aſſignment and Application of the Eſtate and Effects of ſuch Priſoners, as in the ſaid recited Act is fully and at large mentioned and ſet forth: And whereas it is expedient, that any One Judge of any Court in *Ireland*, to whom any Priſoner ſhall apply to be diſcharged under the Proviſions of the ſaid recited Act, ſhould have Power to receive the Petition, and to direct the Diſcharge of ſuch Priſoners, and to do all ſuch other Matters and Things reſpecting the diſcharging or remanding of any ſuch Priſoner, as by the ſaid recited Act the Court to which ſuch Priſoner ſhall apply is empowered to do, provided ſuch Priſoner ſhall not have had an Opportunity of applying to ſuch Court; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the paſſing of this Act, it ſhall be lawful for every Perſon who ſhall be a Priſoner in any Priſon in *Ireland*, upon any Proceſs whatſoever, iſſuing from any Court whatſoever, for or by reaſon of any Debt, Damage, Coſts, Sum or Sums of Money, or Contempt for Non-payment of Money, and who ſhall have been in Cuſtody upon ſome Proceſs for ſome or one of the ſaid Debts or Demands, during the Space of Three Calendar Months or more, and who ſhall not have been ſo in Cuſtody in Time to enable him or her to apply by Petition to the Court in Term Time, to apply in Vacation to any Judge of ſuch Court by Petition; and it ſhall be lawful for ſuch Judge in Vacation Time to receive ſuch Petition, and any Schedule annexed thereto, and to proceed in hearing the Matter of ſuch Petition, and to pronounce any ſuch Judgment, and to make all ſuch Orders, and to give all ſuch Directions, and to do all ſuch other Matters and Things requiſite for the diſcharging or remanding of ſuch Priſoner, and for the Aſſignment and Application of the Eſtate and Effects of ſuch Priſoner; and ſuch Judge ſhall have ſuch Power to diſcharge or to remand ſuch Priſoner, and in all other Reſpects to act and do, with reſpect to ſuch Priſoner, and with reſpect to the Petition of ſuch Priſoner, and the Matter of the ſame, and with reſpect to the Eſtate and Effects of ſuch Priſoner, and with reſpect to the Creditors of ſuch Priſoner, as ſuch Court could or might do under or by virtue of the ſaid recited Act, if ſuch Petition had been preſented to ſuch Court in open Court, during the Sitting of the ſaid Court, any Thing in the ſaid recited Act to the contrary notwithſtanding; and all Judgments, Orders, Directions, Proceedings,

Inſolvent Priſoners may be diſcharged in Vacation, by One Judge of any Court.

ings, Acts, Matters, and Things, for or relating to the discharging or remanding of any such Prisoner, so made, given, taken, or done by such Judge, shall be as good, valid, and effectual to all Intents and Purposes, as if such Judgments, Orders, Directions, Proceedings, Acts, Matters, and Things had been done by the said Court, in open Court, during the Sitting of the said Court, to all Intents and Purposes whatsoever.

Court or Judge may amend Schedules, &c.

II. And whereas Prisoners claiming the Benefit of the said Act or this Act, may be liable to be deprived of such Benefit on account of mere Matters of Form, or Errors or Omissions in their Petitions, Schedules, or other Proceedings directed by the said Act; be it therefore enacted, That it shall and may be lawful to and for the Court or Judge to whom any Prisoner shall apply under the said recited Act or this Act, to be discharged under the Provisions of the said Act or this Act, to amend all Matters of Form, and to supply any Omissions, and to correct any Errors in the Petition, Schedules, or other Proceedings directed by the said recited Act, or this Act, in case the same shall appear to the said Court or Judge to have arisen from Ignorance, Mistake, or Inadvertency, and not to have been wilful or fraudulent; any Thing in the said recited Act or this Act to the contrary notwithstanding.

Prisoners discharged or remanded under 37 G. 3. (I.) c. 49 or 50 G. 3. c. 47. may take the Benefit of 53 G. 3. c. 138.

III. And be it further enacted, That in case any Prisoner who shall have been discharged or remanded under or by virtue of an Act made in the Parliament of *Ireland*, in the Thirty-seventh Year of His present Majesty's Reign, intituled *An Act for the Relief and Maintenance of Insolvent Debtors detained in Prison*, or of an Act made in the Fiftieth Year of His present Majesty's Reign, to extend and amend the Provisions of the said recited Act of the Thirty-seventh Year of His present Majesty's Reign, shall present a Petition to any Court or Judge, for the Purpose of taking the Benefit of the said recited Act of last Session of Parliament, or this Act; it shall and may be lawful for such Court or Judge to receive such Petition and any Schedule annexed thereto, and to discharge such Prisoner, in case such Court or Judge shall think fit so to do, upon his conforming to the Directions of the said recited Act of the last Session of Parliament, or this Act; although such Prisoner may have been discharged or remanded under the Provisions of the said recited Acts of the Thirty-seventh and Fiftieth Years of His present Majesty's Reign, or either of them, at any Time within the Period of Five Years previous to the presenting such Petition by such Petitioner, under the said recited Act of the last Session of Parliament, or this Act; any Thing in the said recited Act of the last Session of Parliament to the contrary in anywise notwithstanding.

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