


ANNO PRIMO & SECUNDO

# GEORGII IV. REGIS.

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vents to preside in the Insolvent Court;

tice in His Majesty's Courts of Law in *Dublin* for more than Two Years, to be His Majesty's Commissioners for the Relief of Insolvent Debtors in *Ireland;* and to preside in a Court to be called the Court for Relief of Insolvent Debtors, which shall be a Court of Record for the Purposes of this Act, and which Court shall and may be held at such Place in *Dublin* as shall be appointed for that Purpose by the Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being; and that when and so soon as the said Appointments shall have been notified in the *Dublin Gazette*, such

with Power to appoint Officers under Direction of Lord Chancellor, &c.

Court shall be deemed to be fully constituted and established; and that such Court shall have Power to appoint a Chief Clerk, a Provisional Assignee, a Receiver, and such inferior Officers as the Lord Chancellor and the Chief Justices of the Courts of King's Bench and Common Pleas, and the Chief Baron of the Exchequer, shall judge to be necessary, and in such Manner as they shall direct, with such Salaries not to exceed in the whole the Sum of Two hundred Pounds *per Annum*, the same to be charged upon and payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, without Deduction, and in such Manner as the said Commissioners

Powers of the Court.

with such Approbation shall direct; and it shall be lawful for the said Court, or either of the Commissioners, acting under the Powers of this Act, to adjourn any Meeting under this Act as often as the said Court or Commissioner shall think necessary; and to administer Oaths, and to examine all Parties and Witnesses upon Oath, for the Purposes of this Act; and such Court shall have such like and the same Powers for compelling the Attendance of Witnesses, and of requiring and compelling the Production of Books, Papers, and Writings, as now are possessed by any of the superior Courts in *Dublin;* and to order any Prisoner who shall have petitioned for Relief under this Act, or any Prisoner who shall be a necessary and material Witness in any Matter pending in the said Court, or before any Commissioner thereof, to be brought before the said Court or such Commissioner, as often as the said Court or such Commissioner shall think fit; and that the said Court or any Commissioner thereof, shall also have the Power of committing all Persons guilty of any Contempt of the said Court, to His Majesty's Prison of *Kilmainham*, or to the common Gaol of any County in which such Person shall be, and the Power of fining in a summary Way, or removing any of the Officers of the said Court, who shall be guilty of any Negligence, wilful or unnecessary

Restriction as to Costs.

Delay, or other Misconduct whatsoever: Provided always, that the said Court shall not have the Power of awarding Costs against any Person or Persons whomsoever, except in such Cases only where such Costs are herein-after expressly mentioned and permitted to be

Witnesses to be paid their Expences.

awarded by this Act: Provided also, that nothing herein contained shall extend to the compelling the Attendance of any Witness, unless the Party on whose Behalf such Witness shall be required to attend, shall have previously tendered to such Witness such Allowance for Expences for his Attendance, as in the Judgment of the said Commissioner shall appear to be reasonable.

Sittings of the Court.

II. And be it further enacted, That the said Court shall sit for the Dispatch of Business from Day to Day, *Sundays*, *Christmas Day*, and *Good Friday* only excepted, so long as any Part of the Business of the

said Court shall be ready; and such Court shall not at any Time be adjourned for any longer Time than One Week; and One of the said Commissioners shall constantly attend the Sittings of the said Court for the Purposes of this Act.

Commissioner not to practise as a Barrister.

III. And be it further enacted, That so long as any Person shall hold the Office of a Commissioner of the said Court for the Relief of Insolvent Debtors, under the Provisions of this Act, such Person shall not practise or be capable of practising as a Barrister in any Court, or in Conveyancing or giving Opinions, or in any other Manner whatsoever.

Salaries to Commissioners not to exceed 2,000l. each, to be payable quarterly.

IV. And be it further enacted, That there shall be paid to the several Persons who shall from Time to Time hold the Office of such Commissioners for the Relief of Insolvent Debtors under this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, at the Receipt of His Majesty's Exchequer in *Ireland*, after Payment of all Sums charged on the said Consolidated Fund by any former Act of Parliament, such yearly Salaries or Sums of Money as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall think fit to direct, not exceeding the Sum of Two thousand Pounds to any one of such Commissioners, and not exceeding in the whole the Sum of Four thousand Pounds, by equal Quarterly Instalments, (that is to say), on every Fifth Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and Tenth Day of *October*, in each and every Year, the same to be so paid without any Deduction for Pells or Poundage, or otherwise howsoever, and a Proportion of such Quarterly Payments shall be made from the Day of the Appointment of every such Commissioner, and until the Time of the Decease or Resignation of any such Commissioner, from Time to Time; and it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, also to direct that such Sum or Sums shall be paid out of the Consolidated Fund as may appear fit and necessary for defraying the travelling Expences of such Commissioners in the Execution of their Duties under this Act.

Travelling Expences.

In case of Absence of either of Commissioners, Lord Lieutenant may appoint a Barrister to perform the Duties, &c. who shall have a Proportion of the Salary.

V. Provided also, and be it enacted, That if either of the said Commissioners shall from Sickness or other reasonable Cause have Occasion to be absent from the Business of the said Court, further or otherwise than as aforesaid, then and in every such Case it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to appoint a Person, being a Barrister at Law of Ten Years standing at the least, to perform the Duties of such Commissioner during such Absence, and every such Person so appointed to perform the Duty of such Commissioner as aforesaid, shall, during the Continuance of such Deputation or Appointment, have all and every the Rights, Powers, and Authorities, and be subject to all the Duties of such Commissioner under this Act; and every such Person who shall be so appointed to act during the Absence of such Commissioner as aforesaid, shall receive from the said Fund such Proportion, and no more, of the Salary of such Commissioner for and during the Period of his Service, as shall be directed in and by the Warrant under which he shall be so appointed, and the Residue only

only of such Salary shall for such Period be payable to such Commissioner.

Commissioners not to take Fees.

VI. And be it further enacted, That the said Commissioners shall not receive or be entitled to receive in the said Court for the Relief of Insolvent Debtors, or otherwise as such Commissioners, any Fee or Fees of any Nature or Kind whatsoever, nor shall any Fee or Fees be receivable by any of the Officers of such Court, except by the Chief Clerk thereof; who is hereby empowered to receive and shall be entitled to demand and receive from every Prisoner who may seek to be discharged by the said Commissioners, under the Provisions of this Act, the Sum of Five Shillings *British*, and no more, the same to be payable upon the presenting the Petition of such Insolvent, and also such Fees for Copies as are hereafter expressly allowed.

Fees to Chief Clerk.

Expences of Coals, Candles, and Stationery, &c.

VII. And for making Provision to defray the Expences of Coals and Candles which may be consumed during the Sittings of the said Court established by this Act, and of Stationery necessary for the Purposes of this Act, and to defray the travelling Charges of such Clerks and Officers as may be necessary to accompany the said Commissioners or either of them in their said Circuit; be it enacted, That the said Expences of Coals, Candles, Stationery, and travelling Charges, shall be in like Manner defrayed and paid and payable out of the said Consolidated Fund, upon the several Quarterly Days before mentioned; provided that the Accounts thereof shall be first certified by the Chief Clerk of the said Court, and fiated by the said Commissioners, or One of them, and thereupon the same shall be paid at the Receipt of His Majesty's Exchequer in *Ireland*, to the Order of the said Commissioners, or One of them, in that Behalf.

Persons in Custody for Debt, &c. may apply by Petition in a summary Way for Discharge.

VIII. And be it further enacted, That when and so soon as the said Court for Relief of Insolvent Debtors shall be fully constituted and established, it shall be lawful for any Person, in any Part in *Ireland*, who shall be in actual Custody upon any Process whatsoever, for or by reason of any Debt, Damage, Costs, Sum or Sums of Money, or for or by reason of any Contempt of any Court whatsoever, for Non-payment of any Sum or Sums of Money, or of Costs taxed or untaxed, either ordered to be paid, or to the Payment of which such Persons would be liable in purging such Contempt, or in any Manner in consequence or by reason of such Contempt, at any Time within the Space of Fourteen Days next after such Court shall have been so fully constituted and established as aforesaid, or within the Space of Fourteen Days next after the Commencement of such actual Custody, or next after such Prisoner shall have been removed to the Marshalsea, or within such further Time as the said Court shall think reasonable, to apply by Petition in a summary Way to the said Court, established by virtue of this Act, for his or her Discharge from such Confinement, according to the Provisions of this Act; and in such Petition shall be stated the Place wherein such Prisoner shall be then confined, the Time when such Prisoner was first charged in Custody, together with the Name or Names of the Person or Persons at whose Suit or Prosecution he or she shall at the Time of presenting such Petition be detained in Custody, and the Amount of the Debts and Sums of Money,

Petition to state Debts and other Particulars.

and also of such Costs as aforesaid, so far as the Amount of such Costs is ascertained, for which such Prisoner shall be so detained, and shall pray to be discharged from Custody, and to have future Liberty of his or her Person against the Demands for which such Prisoner shall be then in Custody, and against the Demands of all other Persons who shall be or claim to be Creditors of such Prisoner at the Time of presenting such Petition; which Petition shall be subscribed by the said Prisoner, and shall forthwith be filed in the said Court; and such Prisoner shall at the Time of subscribing such Petition duly execute a Conveyance and Assignment to the Provisional Assignee of the said Court, in such Manner and Form as the said Court shall direct, of all the Estate, Right, Title, Interest, and Trust of such Prisoner, to all the Real and Personal Estate and Effects of every such Prisoner, excepting the Wearing Apparel and Bedding, and the Working Tools, Implements, and other such Necessaries of such Prisoner, and his or her Family, not exceeding in the whole the Value of Twenty Pounds, so as to vest all such Real and Personal Estate and Effects in the said Provisional Assignee of the said Court; subject to a Proviso, that in case such Prisoner shall not obtain his Discharge by virtue of this Act, such Conveyance and Assignment shall from and after the Dismissal of the Petition of such Prisoner, praying for his Discharge, be null and void to all Intents and Purposes.

Petition shall be filed.

Prisoner shall make Assignment to Provisional Assignee of the Court of his Property, except Wearing Apparel, &c. not exceeding 20l.

IX. Provided always, and be it further enacted, That the said Court shall and may order and direct such Provisional Assignee, or such Assignee or Assignees as are hereinafter mentioned, to pay out of the said Estate and Effects before mentioned, to the said Prisoner, such Allowance for his or her Support and Maintenance during such Prisoner's Confinement in actual Custody, as to the said Court shall seem reasonable and fit.

Court may order Allowance for Support of Prisoner during Confinement.

X. Provided always, and be it further enacted, That such Prisoner shall, within the Space of Fourteen Days next after such Petition shall have been filed, or within such further Time as the said Court shall think reasonable, deliver into the said Court a Schedule, containing a full and true Description of all and every Person and Persons to whom such Prisoner shall be then indebted, or who to his or her Knowledge or Belief shall claim to be his or her Creditors, together with the Nature and Amount of such Debts and Claims respectively, distinguishing such as shall be admitted from such as shall be disputed by such Prisoner; and also a full, true, and perfect Account of all the Estates and Effects, Real and Personal, in Possession, Reversion, Remainder, or Expectancy, of such Prisoner; and also of all Places of Benefit or Advantage, whether the Emoluments of the same arise from fixed Salaries or from Fees, or partly from the one and partly from the other; and also of all Pensions or Allowances of the said Prisoner, in Possession or Reversion, or held by any other Person or Persons for or on Behalf of the said Prisoner, or of and from which the said Prisoner derives or may derive any Manner of Benefit or Advantage; and also all Rights and Powers of every Nature and Kind soever, which such Prisoner or any other Person or Persons in Trust for such Prisoner, or for his or her Use, Benefit, or Advantage, in any Manner whatsoever, shall be seised or possessed of, or interested

When Petition is filed, Prisoner shall deliver in Schedule of Debts, Property, &c.

in, or entitled unto, or which such Prisoner, or any Person or Persons in Trust for him or her, or for his or her Benefit, shall have any Power to dispose of, charge or exercise, for the Benefit or Advantage of such Prisoner, at the Time of presenting such Petition, together with a full, true, and perfect Account of all Debts at such Time owing to such Prisoner, or to any Person or Persons in Trust for him or her, or for his or her Benefit or Advantage, either solely or jointly with any other Person or Persons, and the Names and Places of Abode of the several Persons from whom such Debts shall be due or owing, and of the Witnesses who can prove such Debts, so far as such Prisoner can set forth the same; and such Schedule shall also fully and truly describe the Wearing Apparel and Bedding of such Prisoner, and his or her Family, and the Working Tools and Implements and other such Necessaries, not exceeding in the Whole the Sum of Fifteen Pounds, which may be excepted by such Prisoner from the Operation of this Act, together with the Values of such excepted Articles respectively; and the said Schedules shall be subscribed by such Prisoner, and shall forthwith be filed in the said Court.

Court may appoint Assignees; and on their Acceptance, the Prisoner's Estate shall be assigned to them from the Provisional Assignee.

XI. And be it further enacted, That when the said Court shall adjudge any Prisoner to be entitled to his or her Discharge, such Court shall appoint a proper Person or proper Persons to be Assignee or Assignees of the Estate and Effects of such Prisoner, for the Purposes of this Act; and when such Assignee or Assignees shall have signified to the said Court their Acceptance of the said Appointment, the Estate, Effects, Rights, and Powers of every such Prisoner vested in such Provisional Assignee as aforesaid, shall, under the Orders of the said Court, be immediately assigned by such Provisional Assignee or Assignees, in Trust for the Benefit of such Assignee or Assignees, and the rest of the Creditors of every such Prisoner, in respect of or in proportion to their respective Debts, according to the Provisions of this Act; and such Assignee or Assignees is and are hereby fully empowered to sue from Time to Time, as there may be Occasion, in his, her, or their own Name or Names, for the Recovery, obtaining, and enforcing any Estate, Effects, or Rights of any such Prisoner; and also to execute any Trust or Power vested in or created for the Use or Benefit of any such Prisoner, but in Trust for the Benefit of such Assignee or Assignees and the rest of Creditors of every such Prisoner, according to the Provisions of this Act; and to give such Discharge and Discharges to any Person or Persons, who shall respectively be indebted to such Prisoner, as may be requisite; and every such Assignment as aforesaid, whether to a Provisional or other Assignee or Assignees, shall be entered on the Proceedings of the said Court, and an Office Copy of every such Assignment shall be sufficient Evidence thereof; and the same, together with an Office Copy of the Petition of such Insolvent, and of the Adjudication of the said Court thereon, shall be and be deemed good, full, and sufficient Evidence, as against all Persons whatsoever, of the Imprisonment, Insolvency, Discharge, and all and every other Matters and Things done under this Act, in all Courts, and to all Intents and Purposes whatsoever; and every such Assignment, in whatever Form the same shall be, shall be and be deemed and taken to be good and valid and effectual to convey to and vest in the Assignee or Assignees named therein,

Assignees may sue for the Recovery of Effects.

therein, all and every Estate, Property, Power, Benefit, Matter, and Thing whatsoever, which such Assignment, according to the true Intent and Meaning of this Act, could or ought to convey; and every such Assignee or Assignees shall, with all convenient Speed, after his, her, or their accepting such Assignment as aforesaid, use his, her, or their best Endeavours to receive and get in the Estate and Effects of every such Prisoner; and shall, with all convenient Speed, make Sale of all the Estate and Effects of such Prisoner vested in such Assignee or Assignees; and if such Prisoner shall be interested in, or entitled to, any Real Estate, either in Possession, Reversion, or Expectancy, the same, within the Space of Two Months after such Assignment and Conveyance, or within such other Time as the said Court shall direct, shall be sold by Public Auction, in such Manner and at such Place or Places as the major Part of the Creditors of such Prisoner entitled to the Benefit thereof, shall under his, her, or their Hand or Hands approve, Thirty Days before any such Sale shall be made, which Approbation shall be given by the Majority of such Creditors, assembled together on any Notice in Writing published in the *Dublin Gazette*, and in some daily Paper printed and published in *Dublin*, if the Prisoner, before going to Prison, resided in the City or in the County of *Dublin*; and if such Prisoner resided elsewhere, then in some printed Newspaper which shall be published and generally circulated in or near the County, City, Town, Liberty, or Place in which such Prisoner resided before he or she was committed to Prison; and every such Assignee or Assignees, at the End of Three Months, at the furthest, from the Time of his, her, or their accepting any such Assignment or Conveyance as aforesaid, and so from Time to Time, as Occasion shall require, shall make up an Account of the Estate and Effects of such Prisoner; and make Oath in Writing, before the Chief Clerk of the said Court, or before One or more Justice or Justices of the Peace of the County, City, Town, Liberty, or Place in which such Assignee or Assignees shall reside, that such Account contains a just and fair Account of the Estate and Effects of every such Prisoner, got in by or for such Assignee or Assignees, and of all Payments made in respect thereof; and that all Payments in every such Account charged were truly and *bonâ fide* made and paid; which Accounts so sworn shall be filed with the Chief Clerk of the said Court; and if it shall appear, that such Assignee or Assignees has or have, in his, her, or their Hands, any Balance, wherewith a Dividend may be made amongst the Creditors of such Prisoner, whose Debts are expressed in the Schedule delivered by such Prisoner, such Assignee or Assignees shall forthwith declare the Amount of the Balance in his Hands, wherewith such Dividend may be made; and Notice of the making of every such Dividend shall be published in like Manner as a Meeting of Creditors is herein-before directed to be published, Thirty Days at least before such Dividend shall be made; and every Creditor, whose Debt shall be stated and admitted in the Prisoner's Schedule, shall be allowed to receive a Share of such Dividend, unless such Prisoner, or his or her Assignee or Assignees, or any other Creditor of such Prisoner, shall object to any such Debt; and in such Case the same shall be examined into by the said Court, who shall have full Power for that Purpose to require and compel the Production of all Books, Papers, and Writings which may be necessary

Assignees shall make immediate Sale of Effects of Prisoner.

Sale of Real Estates shall be made with Approbation of Meeting of Creditors.

At the End of Three Months, Dividends to be made, and from Time to Time.

Thirty Days Notice of Dividends.

Proof of Debts.

Examination of them by the Court.

sary to be produced, as well by the Person or Persons claiming such Debt, as by the Prisoner against whom the same shall be claimed, or his or her Assignee or Assignees, and to examine all such Persons and their Witnesses on Oath, as the Nature of the Case may require, and to take all other Measures necessary for the due Investigation of such Claim; and the Decision of the said Court upon such Claim shall be conclusive with respect to any Dividend of the Effects of such Prisoner, under the Provisions of this Act.

Office Copies of Proceedings to be provided and attested by Chief Clerk, at 2d. per Sheet.

XII. And be it further enacted, That any Office Copy of any Record, Proceeding, or Instrument of or in the said Court, shall be attested by the Chief Clerk thereof, who shall be and be deemed the proper Officer in that Behalf; and that for providing and attesting any such Office Copy, such Clerk shall be entitled to receive Twopence for every Sheet therein, every such Sheet to contain Seventy-two Words and no more, unless the same shall be the last or only Sheet thereof, in which Case such last or only Sheet may contain any Number of Words not exceeding Seventy-two Words.

Court to give Directions as to the Disposal of Annuities or uncertain or contingent Property of Prisoners.

XIII. And whereas Prisoners discharged by virtue of this Act may be entitled to Annuities for their own Lives, or other uncertain Interests, or to Reversionary or Contingent Interest, or to Property under such Circumstances that the immediate Sale thereof for Payment of their Debts may be very prejudicial to them, and deprive them of the Means of Subsistence, which they might otherwise have after Payment of their Debts; and it may be proper in some Cases to authorize the raising of Money by way of Mortgage, for the Payment of the Debts or Part of the Debts of a Prisoner discharged by virtue of this Act, and defraying the Expences attending the Execution of this Act, instead of selling the Property of such Prisoner for such Purposes; be it therefore enacted, That in all such Cases it shall be lawful for the said Court to take into Consideration all Circumstances affecting the Property of any Prisoner who shall be discharged by virtue of this Act, either at the Time of the Discharge of such Prisoner or at any subsequent Time; and if it shall appear to the said Court that it would be reasonable to make any special Order touching the same, it shall be lawful for the said Court so to do, and to direct that such Property as it may be expedient not to sell, or not to sell immediately, according to the Provisions of this Act, shall not be so sold, and from Time to Time to order and direct in what Manner such Property shall be managed for the Benefit of the Creditors of such Prisoner until the same can be properly sold, or until Payment of all such Creditors according to the Provisions of this Act, and to make such Order touching the Sale or Disposition of such Property as to the said Court shall seem reasonable, considering the Rights of the Creditors of such Prisoner to Payment of their Demands, and the future Benefit of such Prisoner after Payment of his or her Debts, and upon such Terms and Conditions with respect to the Allowance of Interest on Debts not bearing Interest or other Circumstances as to the said Court shall seem just and fit; and if it shall appear to the said Court that the Debts of such Prisoner can be discharged by means of Money raised by way of Mortgage on any Property of such Prisoner instead of raising the same by Sale, it shall be lawful for the said Court so to

Property may be mortgaged, if more beneficial.

to order, and to give all necessary Directions for such Purpose, and generally to direct all Things which may be proper for the Discharge of the Debts of such Prisoner, in such Manner as may be most consistent with the Interest of such Prisoner, in any Surplus of his or her Effects which may remain after Payment of such Debts.

If Prisoner, Creditors or Court, are dissatisfied with Assignees Account, or on Neglect of their Duty, Court may direct Inquiry.

XIV. And be it further enacted, That in case such Prisoner, or any of his or her Creditors, or the said Court, shall at any Time be dissatisfied with the Account of any Assignee or Assignees so rendered upon Oath as aforesaid, or in case any such Assignee or Assignees shall neglect to render such Account, or shall neglect to dispose of the Property or to collect the Effects of such Prisoner, or shall in any Manner waste or mismanage the Estate or Effects of such Prisoner, or shall neglect to make a due Distribution thereof, it shall be lawful for such Court, on the Petition of any such Prisoner or Creditor as aforesaid, to require such Assignee or Assignees to render such Account on Oath as is directed by this Act, if not before rendered, and to examine any Account so rendered, and to inquire into any Waste, Mismanagement, or Neglect of the Estate or Effects of such Prisoner, and to direct a proper Administration thereof, and ascertain the Produce of such Estate and Effects to be divided amongst the Creditors of such Prisoner, and to direct the Distribution thereof accordingly, and to require and compel the Production of all Books, Papers, and Writings necessary for such Purposes, and to examine all Parties and their Witnesses on Oath, as the Case may require, and to take all such Measures as shall be necessary for the compelling and rendering of such Account and the due Investigation thereof, and the proper Disposition and Distribution of the Effects of such Prisoner according to this Act, and to award Costs any of the Parties as Justice shall require; and the Decisions of the said Court upon all such Matters shall be final and conclusive.

Books to be produced.

Annuity Creditors, &c. may receive Dividends.

XV. Provided always, and be it further enacted, That all and every Creditor and Creditors of any such Prisoner for any Sum and Sums of Money payable by way of Annuity or otherwise at any future Time or Times, by virtue of any Bond, Covenant, or other Securities, of any Nature whatsoever, may and shall be entitled to be admitted a Creditor or Creditors, and shall be entitled to receive a Dividend or Dividends of the Estate of such Prisoner, in such Manner and upon such Terms and Conditions as such Creditor or Creditors would have been entitled unto by the Laws now in force if such Prisoner had become Bankrupt; the Amount upon which such Dividend shall be calculated, and the Terms and Conditions on which the same shall be received, being first settled by the said Court, and without Prejudice in future to their respective Securities, otherwise than as the same would have been affected by a Proof made in respect thereof by a Creditor under a Commission of Bankrupt, and a Certificate obtained by the Bankrupt under such Commission.

Suits not to be commenced without Consent of Majority of Creditors.

XVI. Provided also, and be it enacted, That no Suit in Law be proceeded in further than an Arrest in Mesne Process, or Suit in Equity be commenced by any Assignee or Assignees of any the Estate and Effects of any such Prisoner, without the Consent of the major Part in

Value of the Creditors of such Prisoner, who shall meet together pursuant to a Notice to be given Fourteen Days at the least before such Meeting, in the *Dublin Gazette* or other Newspaper which shall be published in the Neighbourhood of the last Residence of such Prisoner, for that Purpose, nor without the Approbation of the said Court.

When Persons claiming the Benefit of this Act are seised of Lands, and have Power to lease, like Power extended to Assignees.

XVII. And whereas many Persons who may claim the Benefit, or be brought within the Operation of this Act, may be seised and possessed of Lands and Tenements and Hereditaments, to hold for the Term of their natural Lives, with Power of granting Leases and taking Fines, reserving small Rents on such Estate, for One, Two, or Three Lives in Possession or Reversion, or for some Number of Years determinable upon Lives, or have Powers over such Real or Personal Estate, which such Prisoners could execute for their own Advantage, which said Powers ought to be executed for the Benefit of the Creditors of such Prisoners; be it therefore enacted, That in every such Case, all and every the Powers of leasing such Lands, Tenements, and Hereditaments, and all other such Powers as aforesaid, over such Real or Personal Estates, which are or shall be vested in any such Prisoner as aforesaid, shall be and are hereby vested in the Assignee or Assignees of the Real and Personal Estate of such Prisoner, by virtue of this Act, so far as the Prisoner could by Law vest such Power in any Person to whom he might lawfully have conveyed such Property, to be by such Assignee or Assignees executed for the Benefit of all and every the Creditors of such Prisoner as aforesaid.

Assignees, after giving Notice in Gazette, &c. may make Composition for Debts owing to Prisoner.

XVIII. And be it further enacted, That it shall and may be lawful at all Times hereafter, for any Assignee or Assignees of the Estate or Effects of any Prisoner, by and with the Consent of the major Part in Value of the Creditors of such Prisoner, who shall be present at a Meeting to be had on Fourteen Days Notice previously given for the Purpose hereinafter mentioned in the *Dublin Gazette*, if the Prisoner shall have been in Custody in the City or in the County of *Dublin*, and if not, then also in some Newspaper which shall be published in the County, City, or Place in or near which such Prisoner shall have been in such actual Custody; and with the Approbation of the said Court, to make Compositions with any Debtors or Accountants to such Prisoner, where the same shall appear necessary and reasonable, and to take such reasonable Part of any such Debts as can upon such Composition be gotten, in full Discharge of such Debts and Accounts, and to submit to Arbitration any Difference or Dispute between such Assignee or Assignees, and any Person or Persons, for or on account or by reason of any Matter, Cause, or Thing relating to the Estate and Effects of such Prisoner; and every such Assignee or Assignees is and are hereby indemnified for what they shall fairly do in the Premises, in pursuance of this Act.

Court may appoint new Assignees in case of Death or Removal.

XIX. And be it further enacted, That in case any Assignee so appointed shall at any Time be unwilling to act, or in case of the Death or Incapacity, or Misconduct of any such Assignee, it shall be lawful to and for any Creditor of such Prisoner to apply to the said Court to appoint a new Assignee or Assignees, with like Powers and Authorities as are given by this Act to the original Assignee or Assignees,

and the said Court shall have Power to remove such Assignee, and to appoint such new Assignee or Assignees, and to oblige any Assignee who shall be removed, and the Heirs, Executors, Administrators, and Assigns of any deceased Assignee, to account for and deliver up all such Estate and Effects, Books, Papers, Writings, Deeds, and all other Evidences relating thereto, as shall remain in his or her Hands, to be applied for the Purposes of this Act, and the Decision of the said Court thereupon shall be final and conclusive; and from and immediately after such Appointment, all the Estate and Effects, Rights and Powers of the said Prisoner, vested either in the Provisional Assignee, or such Assignee or Assignees as aforesaid, shall become, and the same hereby vested in such new Assignee or Assignees.

When Assignees shall not deliver over Balance of Property, Court may order them to be arrested, &c.

XX. And be it further enacted, That in case any such Assignee or Assignees, or the Heirs, Executors, or Administrators of any deceased Assignee or Assignees, shall not deliver over any Part of such Estate or Effects, or pay the Balance of the Produce of any such Estate or Effects, found to be in the Hands of such Assignee or Assignees, or of such Heirs, Executors, or Administrators as aforesaid, according to the Tenor of this Act, it shall be lawful for the Court to be established by virtue of this Act, to order the Person or Persons so offending to be arrested, and committed to the County Goal nearest to the Place where they shall reside, there to remain without Bail or Mainprize, until such Person or Persons shall have fulfilled the Duty required by this Act, or until the said Court shall make other Order to the contrary.

Court to give Notice in the Dublin Gazette to Creditors, after Petition and Schedule shall have been filed.

XXI. And be it further enacted, That the said Court shall forthwith, after such Petition and Schedule shall have been respectively filed in the said Court, cause Notice thereof to be given to the Creditor or Creditors at whose Suit such Prisoner shall be detained, or the Attorney or Agent of such Creditor or Creditors, and to the other Creditors named in the Schedule of such Prisoner, or such of them as the said Court shall think fit, and to be inserted in the *Dublin Gazette*, and also, if the said Court shall think necessary, in some other Newspaper or Newspapers; and shall appoint a Day and Place for the Hearing of the Matter of such Petition; and in case such Notice as the said Court shall direct shall have been given by any Creditor of his or her Intention to oppose such Prisoner's Discharge, it shall and may be lawful, both for the said Creditor and any other Creditor or Creditors of the said Prisoner, to oppose the Discharge of such Prisoner, and for that Purpose to put such Question to such Prisoner, and examine such Witnesses as the said Court shall think fit, touching the Matters contained in such Petition and Schedule, and touching such other Matters as the said Court shall be of Opinion that it may be fit and proper to inquire into, in order to the due Execution of this Act; but no Creditor shall oppose or examine the Discharge of such Prisoner, until he shall make Oath or Affidavit of his Debt, or otherwise satisfy the Court of his Right to oppose such Prisoner's Discharge, if required so to do by such Prisoner: Provided also, that at such Hearing any Creditor or Creditors so opposing may require, or the Court may, if it shall deem it necessary, order that it shall be referred

Creditors may oppose Prisoner's Discharge, &c.

Accounts of Prisoner may be referred to an Officer of the Court.

ferred to the Chief Clerk of the said Court to investigate the Accounts of the said Prisoner, and to examine into the Truth of the Schedule of such Prisoner, and to report thereon to the said Court; and the said Court may at such Hearing proceed on the other Matters in Opposition to the Discharge of such Prisoner, or adjourn the said Hearing thereof until such Officer shall have so made his Report; and in case such Prisoner shall not be opposed, and the Court shall be satisfied with the said Schedule, and that such Prisoner is entitled to the Benefit of this Act, then and in such Case such Court shall so declare, and shall order such Prisoner to be discharged from Custody forthwith, or so soon as such Prisoner shall have been in Custody at the Suit of One or more of the Persons who were Creditors at the Time of the petitioning, or who have since become Creditors in respect of Debts then growing due for such Period or Periods, not exceeding Six Months in the whole, as the said Court shall direct, to be computed from the Time of filing the Petition of such Prisoner, and shall in such Order specify the several Debts of the said Prisoner, to which such Discharge shall apply; and such Discharge shall extend to all Process issuing from any Court for any Contempt of any Court Ecclesiastical or Civil, by Nonpayment of Money, or of Costs or Expences in any Cause or Proceeding in any Court Ecclesiastical or Civil; and in case it shall appear to such Court, that the Opposition to the Petition of such Prisoner, by any of such Creditors, is frivolous and vexatious, that then it shall and may be lawful for such Court to award such Costs to such Prisoner as shall appear unto the Court to be just and reasonable.

If Court satisfied with Schedule, Prisoner to be discharged forthwith, or as soon as he shall have been in Custody Six Months.

When it shall appear to the Court, that such Prisoner shall have destroyed Books, or acted fraudulently, &c. Term of Imprisonment may be extended to Three Years.

XXII. And be it further enacted, That in case it shall appear to the said Court that such Prisoner shall, with Intent to conceal the State of his Affairs, or to defeat to Objects of this Act, have destroyed or otherwise wilfully prevented, or purposely withheld, the Production of any Books, Papers, or Writings relating to such of his Affairs as are subject to Investigation under this Act, or shall have kept or caused to be kept false Books, or made false Entries, or have wilfully and fraudulently altered or falsified any such Books, Papers, or Writings, or shall in any respect have been guilty of Fraud, in discharging, concealing, or altering any Debt due to or from the said Prisoner, or shall have fraudulently made away with, charged, mortgaged, or concealed any Part of his or her Property of what Kind soever, either before or after the Commencement of his or her said Imprisonment, for the Purpose of diminishing the Sum to be divided among his or her Creditors, or of giving an undue Preference to any of the said Creditors, then it shall and may be lawful for the said Court to order that such Prisoner shall not be discharged out of Custody by virtue of this Act, or receive or be entitled to any Protection under the same, until he shall have been in Custody at the Suit of some or more of the Persons who were Creditors at the Time of his petitioning the said Court, or had since become Creditors in respect of Debts then growing due, and from whose Claims he shall be discharged by the Judgment of the said Court, for such Period or Periods, not exceeding Three Years in the whole, as the said Court shall direct, to be computed from the filing of such Prisoner's Petition to the said Court.



XXIII. And

When Prisoners shall have contracted Debts fraudulently, &c. or put their Creditors to any unnecessary Expence, the Court may extend Time of Imprisonment to Two Years.

XXIII. And be it further enacted, That in case it shall appear to the said Court, that any such Prisoner shall have contracted any of his Debts fraudulently, or by means of false Pretences, or without having had any reasonable or probable Expectation, at the Time when contracted, of paying the same, or shall be indebted for Damages recovered in any Action for Criminal Conversation, or for seducing the Daughter of the Plaintiff in such Action, or in any Action for a malicious Prosecution, or for any other malicious Injury, or shall have put any of his or her Creditors to any unnecessary Expence by any vexatious or frivolous Defence to any Suit for recovering the same, it shall and may be lawful for such Court to order that such Prisoner shall not be discharged out of Custody by virtue of this Act, or be entitled to any Benefit or Protection under the same, as to any Debt so contracted, or as to any Damages so incurred, or as to any Debt for recovering of which he shall so have occasioned unnecessary Expence as aforesaid, until he shall have have in Custody at the Suit of the Creditor or Creditors whose Debts shall have been so contracted, or Damages so incurred, or who shall have been so put to Expence, for such Period or Periods not exceeding Two Years in the whole, as the said Court shall direct, to be computed as aforesaid.

Court may order Creditors to pay Prisoners any Sum not exceeding 4s. per Week.

XXIV. Provided always, and be it enacted, That in all Cases where such Prisoner shall not be ordered to be discharged forthwith, but to be liable to Imprisonment, at the Suit of his or her Creditor or Creditors, or of any or either of them, it shall be lawful for the said Court, in case it shall think right under the Circumstances of the Case so to do, on the Application of such Prisoner, to order the Creditor or Creditors at whose Suit such Prisoner shall be imprisoned, to pay to such Prisoner such Sum or Sums not exceeding the Rate of Four Shillings by the Week in the whole, at such Times and in such Manner as the said Court shall direct, and that on Failure of Payment thereof, as directed by the said Court, such Prisoner shall be forthwith discharged from Custody, at the Suit of the Creditor or Creditors so failing to pay the same.

After Prisoner's Committal Affidavits of Creditors may be received in Opposition to Discharge, except in the County or City of Dublin.

XXV. And be it further enacted, That in case any such Prisoner, after his Commitment to actual Custody as aforesaid, shall be removed by any Writ of *Habeas Corpus* or otherwise, from the Place of such actual Custody, or shall be rendered in discharge of his Bail, it shall and may lawful for the said Court to receive the Affidavits of any Creditor or Creditors, or of any other Person or Persons 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 every Person making or joining in such Affidavit; and also to stay the Discharge of every such Prisoner, until such Interrogatories shall be fully answered to the Satisfaction of such Court: Provided always, that this shall not extend to any Prisoner who shall have been in such actual Custody or arrested within the County of *Dublin* or the County of the City of *Dublin*.

Order of Court for Discharge of

XXVI. And be it further enacted, That such Order of the said Court for the Discharge of such Prisoner shall in all Cases be final and conclusive,

Prisoner to be final, unless obtained upon false Evidence, &c.

clusive, and shall not be reviewed by the said Court, unless such Court so making the said Order shall after such Order made see good and sufficient Cause to believe that such Adjudication, and the Order founded thereon, shall have been made on false Evidence, or otherwise fraudulently obtained, in which case it shall and may be lawful for any Creditor of the said Prisoner to apply to the said Court to direct the said Prisoner to be brought again before the Court; and it shall and may be lawful for the said Court, upon due Notice to be given by such Creditor, to re-hear the said Matter, and to receive such further or new Evidence, and make such further Order, and as to the said Court shall seem fit, in execution of and according to the Powers in this Act contained, and to proceed thereon as if the same had been the original Hearing of the Case of such Prisoner: Provided always, that in case such Court shall entertain any Doubt touching any Matter alleged against such Prisoner at the Time of his final Examination before mentioned, to prevent the Discharge, or touching the Examination of such Prisoner, it shall be lawful for such Court to remand such Prisoner to Custody, and afterwards to cause such Prisoner to be again brought up for Examination, as often as the said Court shall seem fit.

Prisoner may be remanded, and afterwards brought up for Examination.

In case of false Swearing, Prisoner subject to Punishment inflicted for Perjury.

XXVII. And be it further enacted, That if any Prisoner who shall apply for his or her Discharge, under the Provisions of this Act, or any Persons taking any Oath under the Provisions of this Act, shall wilfully swear falsely in any Oath to be so taken, and shall be lawfully convicted thereof, he or she so offending shall be deemed guilty of wilful and corrupt Perjury, and shall suffer such Punishment as by Law may be inflicted on Persons convicted of wilful and corrupt Perjury.

When Order for Discharge of Prisoner is made, Court may order that Judgment shall be entered up against the Prisoner in One of the Superior Courts, &c.

XXVIII. And be it further enacted, That when an Order for the Discharge of any Prisoner shall be made by the said Court for the Relief of Insolvent Debtors, the said Court may also order, that a Judgment shall be entered up against such Prisoner, in some one of the superior Courts in *Dublin*, in the Name of the Assignee or Assignees of such Prisoner, or of such Provisional Assignee as aforesaid, if no other Assignee shall then have been appointed and shall have accepted the Office, for the Amount of the Debts of such Prisoner which shall at the Time of such Order remain due and unpaid, and from which such Prisoner shall be discharged by such Order, and the said Prisoner shall execute a Warrant of Attorney to authorize the entering up such Judgment, and such Judgment shall have the Force of a Recognizance, and such Order of the Court established by virtue of this Act shall be a sufficient Authority to the proper Officer for entering up such Judgment; and when it shall appear to the Satisfaction of the said Court, that such Prisoner is of Ability to pay such Debts, or any Part thereof, or that he is dead, leaving Assets for that Purpose, the said Court may permit Execution to be taken out upon such Judgment, or put in force any other Power given by this Act against the Property acquired by such Prisoner after his Discharge, for such Sum of Money, as under all the Circumstances of such Prisoner's Case the Court shall think proper, and the said Court shall order such Sum to be distributed rateably amongst the

Court may permit Execution to be taken out on such Judgment, where there are Assets, and the Prisoner of Ability to pay.

Creditors; and such further Proceedings shall and may be had, according to the Discretion of the said Court, from Time to Time, until the Whole of the Debts due to the several Persons against whom such Discharge shall have been obtained shall be fully paid and satisfied, together with such Costs as such Court shall think fit to award; and no *Scire Facias* shall be necessary to revive such Judgment on account of any Lapse of Time, but Execution shall at all Times issue thereon, by virtue of the Order of the said Court: Provided always, that in case any such Application against such Prisoner shall appear to the Court to be ill founded and vexatious, it shall be lawful for the Court not only to refuse to make any Order on such Application, but also to dismiss the same, with such Costs as to the Court shall appear reasonable.

No Scire Facias necessary.

XXIX. And be it further enacted, That where any Prisoner shall be in Custody in any County Gaol or other Gaol or Prison in *Ireland*, except in the County of *Dublin*, or County of the City of *Dublin*, upon any Process whatsoever, out of any of His Majesty's superior Courts in *Dublin*, or out of any Court whatsoever in *Ireland*, then and in such Case, upon Petition being made to the said Court for the Relief of Insolvent Debtors, by such Prisoner, in Manner directed by this Act, and upon such Schedule being delivered into the said Court as is required by this Act, it shall be lawful for the said Court, and the said Court is hereby authorized and required, on the Application of such Prisoner to make a Rule or Order, to cause such Prisoner to be brought to and to appear at the Court House in the Assize Town for the County, County of a City, or County of a Town, where such Prisoner shall be imprisoned, on such Day and at such Time as shall be mentioned and specified in such Order, not being more than Four Calendar Months after the Date of such Order; and the Expence of conveying such Prisoner to any such Assize Town, in every Case where the Gaol in which such Prisoner shall be confined shall not be situate within such Assize Town, not exceeding One Shilling a Mile, shall be paid to the Keeper or Gaoler or Officer who shall bring such Prisoner to such Assize Town, in Obedience to such Rule or Order, out of the Estate or Effects of such Prisoner, if the same shall be sufficient to pay such Expence, and if not, then such Expence shall be paid by the Treasurer of the County, County of a City, or County of a Town, in which such Prisoner shall be imprisoned, as the same shall be directed or ordered by the Commissioner of the said Court before whom such Prisoner shall be brought; and the Grand Jury of such County, County of a City, or County of a Town, is hereby empowered and required to present the Amount thereof at the Assizes next ensuing the Day mentioned in such Rule or Order, and Notice of every such Petition and Schedule of such Prisoners, and also of such Rule or Order of the Court for bringing such Prisoner to such Assize Town thereupon, shall be given in Manner required by this Act, to all and every the several Persons required to have Notice of such Petition as aforesaid, Fourteen Days at the least before the Day mentioned in such Order, for the Appearance of such Prisoner at such Assize Town.

Court may make Order to bring Prisoners to the Court House in the Assize Town where such Prisoners are in Custody.

Providing for the Expence.

XXX. And be it further enacted, That on such Day, so appointed by Order of the said Court for Relief of Insolvent Debtors, it shall be

Commissioner to attend at such

Court House, and give such Relief to Prisoners as if they appeared in the Insolvent Court in Dublin.

be lawful for any one Commissioner of the said Court, and he is hereby authorized and required to attend at the Court House in such Assize Town, and to proceed on such Day, and from Day to Day, if requisite, in hearing the Matter of the Petition of any and every such Prisoner or Prisoners, who shall appear at or be brought to such Assize Town, 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 any and every such Prisoner, and for the Assignment and Application of the Estate and Effects of any and every such Prisoner; and such Commissioner shall have such Power to discharge or to remand any and every such Prisoner, and in all other Respects to act and do with respect to any and every such Prisoner, and with respect to the Petition of any and every such Prisoner, and the Matter of the same, and with respect to the Estate and Effects of any and every such Prisoner, and with respect to the Creditors of any and every such Prisoner, as the said Court for the Relief of Insolvent Debtors could or might do under or by virtue of this Act, if such Petition had been presented to the said Court in open Court, during the Sitting of the said Court in *Dublin*, any thing in this Act to the contrary notwithstanding; and all Judgments, Orders, Directions, Proceedings, Acts, Matters, and Things, for or relating to the discharging or remanding of any and every such Prisoner, so made, given, taken, or done by such Commissioner, 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 for the Relief of Insolvent Debtors in *Dublin*, in open Court, during the Sitting of the said Court, to all Intents and Purposes whatsoever; and the same shall be made a Record of the Proceedings in such Court for the Relief of Insolvent Debtors at *Dublin*, and shall be transmitted to such Court, signed by such Commissioner, to be a Record of the said Court, and to be kept as such among the Records thereof.

Time of making Circuits by Commissioners for discharging Prisoners in the County.

XXXI. And be it further enacted, That one of the said Commissioners of the said Court for the Relief of Insolvent Debtors, or each of the said Commissioners, alternately, shall from Time to Time make a Circuit or Circuits to, and give his Attendance at the several Assize Towns at which any Prisoner or Prisoners shall be ordered to appear in Manner aforesaid, so that there shall be Three such Circuits in each Year, if requisite; and that while one of the said Commissioners shall be making and attending on such Circuit, the other of the said Commissioners shall be attendant and presiding in the said Court in *Dublin*; and the Time and Manner of making such Circuits, and the Officers necessary to attend the Commissioners making the same, shall be regulated in such Manner as shall be agreed on between the Two Commissioners of the said Court, with the Approbation of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*.

Clerk of the Peace to act as Clerk to the Commissioner.

XXXII. And be it further enacted, That the Clerk of the Peace in every County, or County of a City or Town, may act as Clerk to any Commissioner under this Act, to assist him in the Performance of his

several

several Duties under this Act, in such County, or County of a City or Town; and in case such Clerk of the Peace shall in Consideration and Recompence of and for his said Trouble be entitled to receive from every such Prisoner, in whose Case he shall so act, a Sum of Five Shillings *British*, and no more, the same to be in lieu of all Fees of every Nature and Kind, for the Performance of the Duties under this Act, and such Fee shall be paid previous to the bringing up of such Prisoner before such Commissioner. Fee to Clerks.

XXXIII. Provided always, and be it further enacted, That Notice of the Time of the Attendance of such Commissioner in each County shall be given in some public Journal or Newspaper published in each such County respectively, Once in each of the Two Weeks immediately preceding the Time appointed for such Attendance. Notice to be given of the Attendance of such Commissioner in each County.

XXXIV. And be it further enacted, That no Prisoner who shall have obtained his or her Discharge by virtue of this Act, shall at any Time after such Discharge be imprisoned by reason of the Judgment so as aforesaid entered up against him or her, in the Name of such Assignee or Assignees as aforesaid; or of any Judgment or Decree, or Order obtained for Payment of Money only, or for Debts, Damages, Contempt of any Court, Ecclesiastical or Civil, by Non-payment of Money, or Costs contracted, incurred, occasioned, owing, or growing due, at the Time of the Commencement of such actual Custody, and expressed in such Discharge; or shall be detained in Prison for any Costs, taxed or untaxed, to the Payment of which he may be then liable in consequence or by reason of any Contempt, or in order to the paying the same; but that upon every Arrest or Detainer in Prison, upon any such Judgment or Decree or Order, or for or on account of any such Debt, Damages, Contempt, Costs, Sum and Sums of Money, it shall and may be lawful for any Judge of the Court from which any such Process shall have issued, upon shewing to such Judge a Copy of the Order of the Court for Relief of Insolvent Debtors, for such Discharge as aforesaid, attested by the Chief Clerk of the said Court, to release from Custody such Prisoner as aforesaid; and at the same Time, if such Judge shall in his Discretion think fit so to do, to order the Plaintiff in such Suit or Suits, or any Person or Persons suing out such Process, to pay such Prisoner the Costs which he or she shall have incurred on such Occasion, or so much thereof as to such Judge shall seem just and reasonable, such Prisoner causing a common Appearance to be entered for him or her in the Action or Suit for any such Debt as aforesaid. Prisoner discharged under this Act not to be subject to Imprisonment under any such Judgment, &c.

XXXV. And be it further enacted, That if any Action of Escape, or any Suit or Action, be brought against any Commissioner, Sheriff, Gaoler, Keeper of any Prison, or any Person, for performing the Duty of his Office in pursuance of this Act, such Commissioner, Sheriff, Gaoler, Keeper, or other Person, may plead the General Issue, and give this Act in Evidence; and if the Plaintiff be nonsuited, or discontinue his or her Action, or Judgment shall be had upon Demurrer, the Defendant shall have Treble Costs. In case of an Action for Escape, this Act to be given in Evidence.

Where Prisoner shall be declared entitled to the Benefit of the Act, no Execution shall issue against such Prisoner for Debt contracted prior to his actual Confinement, except in Judgments entered under this Act.

XXXVI. And be it further enacted, That after the said Court for the Relief of Insolvent Debtors, or any Commission of the said Court, in Execution of this Act, shall have declared any Prisoner to be entitled to the Benefit of this Act as aforesaid, no Writ of *Fieri facias* shall issue on any Judgment before then obtained against such Prisoner, for any Debt contracted or Cause of Action arising before the Time of the Commencement of such actual Custody as aforesaid, except upon some Judgment entered up by Order of the Court as aforesaid; and that, if any Writ of *Scire facias* or Action of Debt, or any other Suit or Action, shall be brought against any Prisoner, his or her Heirs, Executors or Administrators, upon any Judgment obtained against any such Prisoner, or on any Statute or Recognizance acknowledged by him or her, or any other Cause of Action arising before the Commencement of such actual Custody, except upon the Judgment entered up against such Prisoner under the Order of the Court as aforesaid, it shall and may be lawful for any such Prisoner, his or her Heirs, Executors, or Administrators, to plead generally, that such Prisoner was duly discharged according to this Act, by the Order by which such Discharge shall have been obtained, and that such Discharge remains in force, without pleading any other Matter specially, whereto the Plaintiff or Plaintiffs shall or may reply any other Matter or Thing which may shew the Defendant or Defendants not to be entitled to the Benefit of this Act, or that such Prisoner was not duly discharged according to the Provisions of this Act, in the same Manner as the Plaintiff or Plaintiffs might have replied in case the Defendant or Defendants had pleaded this Act, and his Discharge by virtue of this Act specially; and if the Plaintiff or Plaintiffs be nonsuited, or discontinue his or her Action, or Verdict pass against him, her, or them, or Judgment shall be had on Demurrer, the Defendant or Defendants shall have Double Costs: Provided always, that it shall be lawful to proceed against any Prisoner so discharged, upon any Judgment, Recognizance, or other Security obtained or given, and which could not have been put in force against such Prisoner at the Time of his obtaining such Discharge; any thing in this Act contained to the contrary notwithstanding.

Prisoner may be proceeded against on that which could not be put in force at his Discharge.

When Prisoner shall, after Discharge, become entitled to Property which cannot be taken in Execution,

XXXVII. Provided always, and be it further enacted, That in case any such Prisoner shall, after his Discharge out of Custody as aforesaid, become entitled to or possessed in his or her own Right of any Stock in the Public Funds, or of any Bill of Exchange, Promissory Notes, Bank Notes, Legacies, or other Choses in Action, or other Property which by Law cannot be taken in Execution under any such Judgment so to be entered up in the Names of the said Assignee or Assignees as aforesaid, and such Prisoner shall have refused to convey, assign, or transfer such Stock, Bills of Exchange, Promissory Notes, Bank Notes, Legacies, or other Choses in Action, or other Property, or so much of them as may be sufficient to satisfy the said Judgment; then and in such Case, it shall and may be lawful for the Assignee or Assignees to apply by a Petition in a summary Way, setting forth the Facts of the Case to the Court, and to pray that the said Prisoner may be taken and remanded to Custody, notwithstanding any such Discharge;

Assignee may apply by Petition to the Court for Relief.

charge; and thereupon, if upon Examination by the said Court, and hearing as well the said Assignee or Assignees as the said Prisoner, in case he shall appear, or the said Assignee or Assignees only, in case such Prisoner shall not appear, due Notice having been given to him, it shall appear to the said Court that the Contents of such Petition are true; then and in such Case, such Court shall so declare and adjudge, and shall thereupon order the said Prisoner to be apprehended and remanded to Custody, to the same Prison from which such Prisoner shall have been discharged, until he shall convey, assign, and transfer such Stock, Bills of Exchange, Promissory Notes, Bank Notes, Legacies, or other Choses in Action, or other Property, or so much thereof as the Court shall direct, towards the Satisfaction of such Judgment, to such Assignee or Assignees, for the general Benefit of the Creditors of such Prisoner.

Court may order Prisoner to be apprehended.

XXXVIII. Provided always, and be it further enacted, That in case any Person or Persons, or Body Politic or Corporate, shall, after the Discharge of any such Prisoner out of Custody as aforesaid, become possessed of, or have under his, her, or their Power or Controul, any Stock in the Public Funds, or any Legacy, Money due or growing due, Bills of Exchange, Promissory Notes, Bank Notes, Securities for Money, Goods, Chattels, or any other Property whatsoever, belonging to such Prisoner, or held in Trust for him, or for his Use and Benefit, or to which such Prisoner shall be in any way entitled; or in case any such Person or Persons, or Body Politic or Corporate, shall be in any Manner indebted to such Prisoner, it shall and may be lawful for the said Court, upon the Application of any Assignee or Creditor of such Prisoner, to cause Notice to be given to such Person or Persons, or Body Politic or Corporate, directing him or them to hold and retain the said Property, till the said Court shall make further Order concerning the same; and thereupon it shall be lawful for the said Court further to order such Person or Persons, or Body Politic or Corporate, to deliver over such Property and to pay such Debts as aforesaid, or any Part thereof, into the Bank of *Ireland*, with the Privity of the Chief Clerk of the said Court, or to the Assignee or Assignees of such Prisoner, for the general Benefit of his Creditors entitled to claim under such Judgment, entered up by Order of the said Court as aforesaid: Provided always, that in case no such further Order shall be made by the said Court within Three Calendar Months next after the Date of such Notice, then and from thenceforth such Notice shall be null and void altogether.

When Prisoner, after Discharge, becomes entitled to Stock in the Public Funds, &c. Court shall give Notice and make Order for retaining such Property in the Hands of any Person or Body Corporate.

Order shall be made within Three Months after Notice.

XXXIX. And be it further enacted, That it shall and may be lawful to and for all Persons, being sworn and admitted Attornies in any of the superior Courts, or Solicitors in the Court of Chancery, to practise in the Court which shall be established by virtue of this, as Attornies or Agents on behalf of such Prisoners in such actual Custody as aforesaid, or of their Creditors or other Suitors of the said Court respectively, without the Payment of any Fee or Gratuity whatsoever; and that in case any Person, not sworn and admitted as aforesaid, shall practise in the said Court as an Attorney or Agent on the Behalf of any Prisoner in such actual Custody as aforesaid, or of any Creditor or

Persons admitted Attornies or Solicitors may act as Attornies or Agents on behalf of Prisoners.

or other Person, he shall be deemed and taken to be guilty of a Contempt of the said Court.

Affirmation of a Quaker allowed.

XL. And be it further enacted, That in Cases wherein by this Act an Oath is required, the solemn Affirmation of any Person being a Quaker shall and may be accepted and taken in lieu thereof; and every Person making such Affirmation, who shall be convicted of wilful false Affirmation, shall incur and suffer such and the same Penalties as are inflicted and imposed upon Persons convicted of wilful and corrupt Perjury.

Persons wilfully omitting any thing in Schedule (except Wearing Apparel, &c. not exceeding 15l.) subject to Three Years Imprisonment.

XLI. And be it further enacted, That from and after the passing of this Act, in case any Prisoner shall, with Intent to defraud his Creditor or Creditors, wilfully and fraudulently omit in his Schedule as aforesaid, any Effects or Property whatsoever, or shall retain or except out of the Schedule, as Wearing Apparel, Bedding, Working Tools and Implements, and other Necessaries, more in Value than Fifteen Pounds; every such Person so offending, and any Person aiding and assisting him to do the same, shall, upon being thereof convicted by due Course of Law, be adjudged guilty of a Misdemeanor; and thereupon it shall and may be lawful for the Court before whom such Offender shall have been so tried and convicted, to sentence such Offender to be imprisoned and kept to hard Labour for any Period of Time not exceeding Three Years.

All Affidavits used to be sworn before the Court, &c.

XLII. Provided always, and be it further enacted, That all Affidavits to be used before the said Court, or any Commissioner thereof, shall and may be sworn before the said Court or any such Commissioner, or before any of the superior Courts of Law, or any Officer of the said Court, who may be authorized to take Affidavits, or any Master Extraordinary in Chancery, or Commissioner for taking Affidavits in any of the superior Courts of Law in *Dublin*; and that no Conveyance, Assignment, Letter of Attorney, Affidavit, or other Proceedings before or under any Order of the said Court, shall be liable to or chargeable with the Payment of any Stamp or other Duty whatsoever.

No Proceeding liable to Stamp Duty.

Rate of Payment for the Insertion of Advertisements, 3s.

XLIII. And be it further enacted, That the Sum of Three Shillings and no more shall be paid to any Printer or Proprietor of any Newspaper, for the Insertion of any Advertisement herein-before directed to be inserted in any Newspaper; and all Printers and Proprietors of Newspapers are hereby required to insert the same on Payment of the said Sum of Three Shillings for the Insertion thereof, in such Form as the said Court shall from Time to Time direct; and that no such Advertisement shall be liable to the Payment of or chargeable or charged with any Stamp or other Duty whatsoever.

Not liable to Stamp Duty.

No Fees to be taken for Duties performed under this Act, except as expressly provided.

XLIV. And be it further enacted, That no Commissioner, Clerk of the Peace, Officer, or other Person in anywise concerned in the Execution of any Duties or Powers under this Act, shall on any Account or under any Pretence whatsoever, take, accept, or receive any Fee, Gratuity, or Reward, for or in respect of any Matter or

Thing done by him in or about the Execution of the said Duties or Power, save as in this Act is expressly provided; and if any such Person shall offend herein, he shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

Powers of Commissioners under the Acts 53 G.3. c.138. 54 G.3. c.114. 56 G.3. c.126. continued as to Persons discharged under these Acts.

XLV. And whereas it is expedient that the Powers given to the superior Courts in *Dublin* respectively, by virtue of an Act passed in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Relief of Insolvent Debtors in* Ireland, and of an Act passed in the Fifty-fourth, and of one other Act passed in the Fifty-sixth Year of His said late Majesty's Reign, to amend the said Act of the Fifty-third Year, should be continued, and vested in the Court established by virtue of this Act, in so far as any of the same relate to the Persons who have already obtained their Discharge by virtue of those Acts, or any of them, and their Estate and Effects; be it further enacted, That the Court to be established by virtue of this Act shall and may exercise all such Powers, and do all such Acts, and make all such Orders, respecting Persons who have already obtained their Discharge by virtue of the said recited Acts, or any of them, or their Estate and Effects, or their respective Assignee or Assignees, or the Provisional Assignee appointed by virtue of the said recited Acts, or any of them, as might have been exercised, done, and made by the said Courts respectively, by virtue of the said recited Acts, or any of them, in case the said recited Acts had been continued by this Act.

Former Records to be delivered over to the Chief Clerk.

XLVI. And be it further enacted, That all the Records, Papers, and Documents of and concerning the Discharge of Insolvents, by virtue of the said recited Acts or any of them, shall immediately after the Time when the Court to be established by virtue of this Act shall have been fully constituted and established as aforesaid, be delivered over to the Chief Clerk of the said last-mentioned Court, by the Officer or Officers, or other Persons having the Custody of the same, and which said Records shall be deemed and taken to be Records of the Court to be established by virtue of this Act.

Assignees Power not to extend to the Effects of Officers of the Army or Navy, &c. or Beneficed Clergymen.

Sequestration of the Profit of Benefice may be applied for.

XLVII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to entitle the Assignee or Assignees of the Estate and Effects of such Prisoner, being an Officer of the Army or Navy, or in the Naval or Military Service of the *East India* Company, or a Beneficed Clergyman or Curate, to the Pay or Pension of such Officer, or to the Income of such Benefice or Curacy, for the Purposes of this Act: Provided always nevertheless, that it shall be lawful for such Assignee or Assignees to apply for and obtain a Sequestration of the Profit of any such Benefice for the Payment of the Debts of any such Clergyman, and the Order for the Discharge of such Clergyman shall be a sufficient Warrant for granting of such Sequestration, without any Writ or other Proceedings to authorize the same; and such Sequestration shall accordingly be issued as the same might have been issued upon any Writ of *Levari facias*, founded upon any Judgment against such Clergyman: Provided also, that it shall be lawful for the said Court to order such Portion of the Pay or Half Pay of Pension of any such Officer of the Army or Navy, or Naval or Military

Portion of Pay of Officers may be obtained by Application.

Military Service of the *East India* Company, as on Communication from the said Court to the Secretary of War or the Lords Commissioners of the Admiralty, or the Court of Directors of the United *East India* Company, he or they may respectively consent to by Writing under the Hand of the said Secretary at War, or the Lords Commissioners or Secretary of the Admiralty, or the said Secretary of the Court of Directors, to be applied in Payment of his Debts, and for that Purpose to be paid to his Assignee or Assignees; and such Order and Consent being lodged in the Office of the Paymaster of His Majesty's Forces, or of the Treasurer of the Navy, or of the said Secretary of the said Court of Directors, as the Case shall require, such Paymaster or Treasurer or Secretary shall give Directions accordingly, and such Portion of the Pay, Half Pay, or Pension of such Officer, as shall be specified in such Order and Consent, shall be paid to his Assignee or Assignees, until the said Court shall make Order to the contrary.

Act not to extend to Crown Debtors, unless Treasury give Consent.

XLVIII. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to discharge any Prisoner seeking the Benefit of this Act, with respect to any Debts due to His Majesty, or His Successors, or to any Debt or Penalty with which any such Prisoner shall stand charged at the Suit of the Crown, or of any Person for any Offence committed against any Act or Acts of Parliament relative to His Majesty's Revenues of Customs, Excise, or Stamps, or any of them, or any Branches of the Public Revenue, or at the Suit of any Sheriff or other Public Officer upon any Bail Bond entered into for the Appearance of any Person prosecuted for any Offence committed against any Act or Acts of Parliament relative to His Majesty's said Revenues of Customs, Excise, or Stamps, or any other Branches of Public Revenue, unless Three of the Lords Commissioners of His Majesty's Treasury for the Time being shall certify under their Hands their Consent to such Discharge.

Prisoners under Writ of Capias, in Cases of Extents as herein mentioned, may apply to the Barons of Exchequer to be discharged.

XLIX. And be it further enacted, That it shall and may be lawful for any Person or Persons who may now or shall hereafter be imprisoned under or by virtue of any Writ of *Capias*, in or on any immediate Extent or Extents issued and remaining in force, at the Instance or for the Benefit and Reimbursement of any Surety or Sureties, or other Person or Persons, or the Inhabitants of any Parish, Ward, or Place, who shall or may have advanced and paid the Debt to the Crown, and by reason whereof the Lords Commissioners of His Majesty's Treasury may not be authorized to give their Consent as last aforesaid, to apply to the Barons of His Majesty's Court of Exchequer in *Ireland*, for his, her, or their Discharge, giving One Month's previous Notice in Writing to the Surety or Sureties, or Person or Persons aforesaid, or to the Churchwardens of the Parish, Ward, or Place, at whose Instance or for whose Benefit respectively such Extent or Extents shall remain in force, of the Intention of such Person or Persons so imprisoned to make such Application, and an Enumeration and Description of all and every the Property, Debts, and Effects whatsoever of such Person or Persons, in his, her, or their own Possession or Power, or in the Possession or Power of any other Person or Persons for his, her, or their Use, and for the said Court to whom

whom such Application shall be made, to order such Person or Persons to be brought before them, or before any Baron of the said Court, to be examined upon Oath touching and concerning his, her, or their Property and Effects; and if such Person or Persons respectively shall upon such Examination make a full Disclosure of all his, her, or their Property and Effects, and it shall otherwise appear, to the Satisfaction of the said Court, reasonable and proper that such Person or Persons shall be no longer imprisoned under such Writ, it shall be lawful for such Court or Baron to order a Writ of *Supersedeas quoad Corpus* to be issued out of the said Court, for the Liberation of such Person or Persons from such Imprisonment: Provided always, that no such Liberation as aforesaid, of any Debtor so in Custody under an Extent, shall be held or deemed to satisfy or supersede such Extent or any Proceedings thereon, except as to such Imprisonment as aforesaid, or to discharge the Debt or Debts for which such Person or Persons shall be so imprisoned.

Bankrupts not having obtained a Certificate shall not be entitled to Discharge under this Act, unless in Custody for Three Years.

L. Provided also, and be it further enacted, That no Prisoner against whom any Commission of Bankrupt shall have issued and shall remain in force, and who shall not have obtained a Certificate of his or her Conformity to the several Statutes concerning Bankrupts under such Commission, shall be entitled to be discharged by virtue of this Act, from any Debt for which such Prisoner shall be detained in Custody, and which might have been proved under such Commission, unless such Prisoner shall have been so detained in Prison for the Space of Three Years before the Time when such Prisoner shall apply for his or her Discharge under this Act.

No Person having taken the Benefit of an Insolvent Act, shall be entitled to further Relief within Five Years, unless Three-fourths in Number and Value of the Creditors consent.

LI. Provided always, and be it further enacted, That no Person who shall have been at any Time discharged by virtue of this Act, or of any Act for the Relief of Insolvent Debtors, shall again be entitled to the Benefit thereof, within the Space of Five Years after such Discharge, unless Three-fourths in Number and Value of the Creditors against whom such Person shall seek to be discharged by virtue of this Act, shall signify his or her Assent to such Discharge, or it shall be made appear to the Satisfaction of the Court to be established by virtue of this Act, that such Person has since his or her former Discharge endeavoured by Industry and Frugality to pay all just Demands upon him or her, and has incurred no unnecessary Expence, and that the Debts which such Person has incurred subsequently to such former Discharge, have been necessarily incurred for the Maintenance of such Person or his or her Family, or that the Insolvency of such Person has arisen from Misfortune, or Inability to acquire Subsistence for himself or herself, and his or her Family.

Mode of Proceeding with Prisoners of unsound Mind.

LII. And be it further enacted, That if any Person who shall at any Time be a Prisoner in any such Prison as aforesaid, upon any such Process as aforesaid, shall be or become of unsound Mind, and therefore incapable of taking the Benefit of this Act, in such Manner as he or she might have done, if of sound Mind; the Gaoler or Keeper of such Prison shall forthwith require Two or more Justices of the Peace for the County, City, or Place, wherein such Prison shall be, to attend at the said Prison, and inquire into the State of Mind of such Prisoner;

Prisoner; and thereupon, and also in case any such Justices shall receive Information by other Means, that any such Prisoner is of unsound Mind as aforesaid, such Justices shall go to the said Prison, and by their own View, and by Examination on Oath of such Person or Persons as they shall think fit to examine, (which Oath the said Justices are hereby empowered to administer), shall inquire into the State of Mind of such Prisoner; and if it shall appear to such Justices upon such Inquiry, that such Prisoner is of unsound Mind, and therefore incapable of taking the Benefit of this Act in such a Manner as a Person of sound Mind might do, such Justices shall forthwith make a Record of the Fact, which Record shall contain the Names of the Witnesses who shall by such Justices have been examined, and such Justices shall certify the same to the Court to be established by virtue of this Act; and thereupon it shall be lawful for such Court, at the Instance of any Person or Persons, on Behalf of such Prisoner, to order Notice to be inserted in the *Dublin Gazette*, and in Two or more public Newspapers usually circulated in the Neighbourhood of such Prison, and in the Neighbourhood of the usual Residence of such Prisoner before he or she was committed to such Prison, as the said Court shall see fit; and shall in such Order specify and direct, that Application will be made to such Court for the Discharge of such Prisoner, on any Day to be specified in such Order, being Fourteen Days at least from the Day of Publication of such one of such Gazettes and Newspapers containing such Notice as shall be last published; which Notice, together with Service of the like Notice on the Creditor or Creditors at whose Suit such Prisoner shall be detained in Custody, or his, her, or their Attorney or Attornies in such Suit, shall be deemed sufficient to authorize the said Court to proceed to the Discharge of such Prisoner, if otherwise entitled to such Discharge, according to the true Intent and Meaning of such Act; and such Court shall proceed accordingly, and shall discharge such Prisoner, and do all other Acts under this Act, in case it shall appear that such Prisoner might have obtained his or her Discharge under this Act if of sound Mind.

Estate of such Prisoner of unsound Mind, shall vest in Provisional Assignee under this Act.

LIII. And be it further enacted, That in every such Case, where any such Prisoner shall be or become of unsound Mind as aforesaid, all and every Estate, Right, Title, Interest in Law or Equity, Real or Personal, Power, Benefit, or Emolument whatsoever, which, if such Prisoner were of sound Mind, could or ought to be assigned by such Prisoner, pursuant to the Provisions of this Act, shall by force and virtue of the said Order for the Discharge of such Person, be vested in the Provisional Assignee of the said Court, as fully and effectually, and in the same Plight and Manner, and with all and every the same Consequences and Effects, both in Fact and in Law, to all Intents and Purposes whatsoever, as if such Prisoner had been of sound Mind, and had duly conveyed the same to such Provisional Assignee at the Time and in Manner herein-before provided.

Officers of the Court to produce Schedules and Proceed-

LIV. And be it further enacted, That the Chief Clerk of the Court to be established by virtue of this Act shall on the reasonable Request of any such Prisoner, or of any Creditor or Creditors of such Prisoner, or his, her, or their Attorney, produce and shew to such Prisoner,

Creditor or Creditors, or his, her, or their Attorney, at such Times as the said Court shall direct, such Petition, Schedule, Order and Judgment, and all other Orders and Proceedings made and had in such Matter; and that a true Copy of every such Petition, Schedule, Order, Judgment, and other Proceedings, signed by the Chief Clerk in whose Custody the same shall be, or his Deputy, certifying the same to be a true Copy of such Petition, Schedule, Order, Judgment, or other Proceedings, as the Case may be, without being written on Stamp Paper, shall at all Times be admitted, in all Courts whatever, as legal Evidence of the same respectively.

Proceedings of Court when required.

LV. And whereas the Estates, both Real and Personal, of any Prisoner who may be discharged by virtue of this Act, may not be sufficiently described or discovered in the Schedule before directed to be delivered on Oath by such Prisoner, or the Assistance of such Prisoner may be necessary to adjust, make out, receive or manage his Estate or Effects, for the Benefit of his or her Creditors; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the Assignee and Assignees of the Estate and Effects of any such Prisoner, who shall obtain his or her Discharge in pursuance of this Act, from Time to Time to apply to the Court to be established by virtue of this Act, that such Prisoner may be further examined as to any Matters or Things relating to his or her Estate and Effects by such Court; and in case such Prisoner shall neglect or refuse to appear before such Court to be examined by such Court, if the Court shall think fit so to order, or appearing before such Court shall refuse to be sworn, or to answer such Questions as shall be put to him or her, relating to the Discovery of his or her said Estate and Effects, then and in any of such Cases it shall be lawful for such Court, by Warrant, to commit such Prisoner so offending to the Common Gaol of any County or Place, there to remain without Bail or Mainprize until such Time as he or she shall submit himself or herself to such Court, and answer upon Oath or otherwise as shall be required, to all such lawful Questions as shall by such Court be put or ordered or to be put to him or her, for the Purposes aforesaid.

Prisoners may, after their Discharge, be examined as to their Estate and Effects, on Application of Assignees.

Refusing to appear, or to answer Questions, such Prisoners may be committed:

LVI. Provided always, and be it enacted, That each and every such Warrant shall expressly state the Cause for which the said Prisoner shall have been so committed, and that a Copy thereof shall be given to every such Prisoner, and that it shall and may be lawful to every such Prisoner to apply by Petition to such Court, praying to be brought either before the Assistant Barrister or before such Court according to the Tenor of the former Order of the said Court and to be examined as aforesaid; and every such Prisoner submitting himself or herself to the said Court, and answering upon Oath or otherwise, as shall be required, to all such lawful Questions as shall by such Court be ordered to be put to him or her for the Purposes aforesaid, shall thereby be freed and cleared from the Contempt for which he shall have been committed.

But on applying to Court and yielding Obedience, Defaulters shall be freed from the Contempt for which committed.

LVII. And be it further enacted, That the said Court for the Relief of Insolvent Debtors, or any one Commissioner of the said Court, shall immediately after the End of Six Calendar Months next after the Appointment

Assignees to be examined within Six Months after Appoint-

ment, and Money in their Hands paid into the Bank.

Appointment of an Assignee or Assignees under this Act, at the Request of any one or more Creditor or Creditors, summon such Assignee or Assignees before such Court or Commissioner, and examine such Assignee or Assignees upon Oath or otherwise, touching his, her, or their Receipts and Payments, and shall thereupon order the Money in the Hands of such Assignee or Assignees to be paid into the Bank of *Ireland*, to the Credit of such Matter, with the Privity of the Chief Clerk of the said Court, and that such Dividend be made of the Estate and Effects of such Prisoner as the said Court may think proper; and in case any Dividend or Dividends shall remain in the Hands of such Assignee or Assignees for the Space of Twelve Months next following the declaring thereof, it shall and may be lawful to and for such Court, and such Court, or any one Commissioner thereof, is hereby authorized to order and direct that such unclaimed Dividend or Dividends shall be immediately paid into the Bank of *Ireland* as aforesaid; and in Default of Payment of such Dividend or Dividends by the Time by the said Court to be for that Purpose limited, it shall and may be lawful to and for the said Court to order such summary Remedy for the Purpose of a Distress and Sale of the Goods and Chattels of such Assignee or Assignees, in the Name of such Creditor as shall desire the same, as to the said Court shall seem proper; and if no sufficient Distress can be found, then and in such Case the said Court shall be at liberty to commit the Offender to the Common Gaol or House of Correction, without Bail or Mainprize, there to remain until the said Court shall make other Order to the contrary.

Dividends remaining in their Hands for Twelve Months, shall be immediately paid into Bank, or in Default, shall be levied by Distress.

How Money paid into the Bank shall be drawn out by the Chief Clerk of the Court.

LVIII. And be it further enacted, That all and every Sum and Sums of Money which under the Provisions of this Act shall be lodged in the Bank of *Ireland*, shall be so lodged with the Privity of the Chief Clerk of the said Court for the Relief of Insolvent Debtors, to the Credit of the Matter in which the same shall be so lodged; and the same shall be subject to the Orders of the said Court, and shall from Time to Time, as Justice shall require, be drawn out of the said Bank by the Drafts of the said Chief Clerk, drawn under and in pursuance of the Orders of the said Court, authenticated by Copies of such Orders respectively dated and signed by the said Commissioner of the said Court, which Copies shall remain, together with such Drafts, in the said Bank; and that any such Draft shall be void unless presented for Payment within One Calendar Month from the Date of such Copy of such Order, and the same shall be expressed in every such Order.

In case of Replevy on Distress, Avowry shall set forth Order of the Court as a Justification.

LIX. And be it further enacted, That if any Distress, made under the Authority of this Act, shall be replevied, it shall be sufficient for the Creditor in whose Name such Distress was made, in his Avowry to set forth a Copy of the Order of the said Court under which such Distress was so made, without any other Cause, Matter, or Thing whatsoever, and the same shall be and be deemed, taken, and held to be a good and sufficient Justification of such Distress, and to entitle such Creditor to Judgment, and his Costs, and a Writ of *Retorno habendo*.



LX. And

Costs how to be recovered.

LX. And be it further enacted, That in all Cases in which the said Court is by this Act authorized to award Costs against any Person or Persons, it shall and may be lawful for the said Court to cause such Costs to be recovered from such Person or Persons in the same Manner as Costs awarded by a Rule of any of the superior Courts at *Dublin* may be recovered.

Persons discharged from Contempts of Court, for Non-payment of Costs, to be relieved from other Costs, &c.

LXI. And be it further enacted, That all Persons who have been or shall be discharged under any Act for the Relief of Insolvent Debtors, or under this Act, from Contempts of any Court for Non-payment of Money or Costs, shall be deemed and taken to have been and to be discharged, not only from Costs ordered to be paid, but also from all Costs which such Persons would be liable to pay in consequence or by reason of such Contempts, or on paying the same; and also that all Persons from whose Demands for Costs any Persons shall be discharged by virtue of this or any former Act or Acts, shall be deemed and taken to be Creditors of such last-mentioned Persons, and entitled to the Benefit of all the Provisions made for Creditors by this Act, or such Act or Acts.

This Act not to defeat the Proceedings in any Commission of Bankrupt.

LXII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to defeat the Proceedings on any Commission of Bankrupt which may be issued against any Prisoner who may claim the Benefit of this Act, before such Prisoner shall have obtained an Order for his Discharge under this Act; but that every such Commission shall have relation to avoid any Assignment of the Estate and Effects of any such Prisoner under this Act, as such Commission would have had to avoid any Assignment by such Prisoner if this Act had not been made, but not further or otherwise.

Continuance of Act.

LXIII. And be it further enacted, That this Act shall continue in force until the First Day of *August* One thousand eight hundred and twenty-six, and thenceforth until the End of the then next Session of Parliament, and no longer.

Act may be altered this Session.

LXIV. And be it further enacted, That this Act, or any Part thereof, may be amended, altered, or repealed by any Act or Acts to be made in this present Session of Parliament.

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