

ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

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CAP. CVII.

An Act to continue and amend the Laws for the Relief of Insolvent Debtors in *Ireland*.

[10th *August* 1840.]

WHEREAS it is expedient to continue, for the Purposes herein-after mentioned, the Laws now in force for the Relief of Insolvent Debtors in *Ireland*, and to make further Provision for the Relief of Insolvent Debtors: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Powers vested in the Court now established for the Relief of Insolvent Debtors in *Ireland* shall be and the same are hereby continued and vested in the Court to be continued by virtue of this Act as herein-after provided, in so far as the same relate to or may be exercised in the Matters of the Petitions of any Persons who, before the Time appointed or the Commencement of this Act, shall have petitioned the said Court now established for Relief (under the Provisions of any Act or Acts for the Relief of Insolvent Debtors in *Ireland*), or of any Persons who have obtained their Discharge by virtue of any Act for the Relief of Insolvent Debtors in *Ireland*; and that all Things shall and may be done by all Persons, relating to the Matters of all such Petitions, which such Persons might have done if the Laws now in force with respect

Powers now vested in the Court for Relief of Insolvent Debtors continued for the Purposes herein mentioned.

respect to Insolvent Debtors in *Ireland* had been continued by this Act.

Court now established, and Commissioners and Officers, to be continued.

II. And be it enacted, That the Court now established for the Relief of Insolvent Debtors in *Ireland* shall be continued, and that the present Two Commissioners of the said Court shall continue to be the Commissioners of the Court so hereby continued, and to preside therein; and that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and from Time to Time, upon any Vacancy in any of the said Offices of Commissioner, by Death or otherwise, to appoint other fit Persons, being Barristers at Law of Ten Years standing at the least, and who shall have actually practised Ten Years, and who shall not at the Time of their respective Appointment to such Office have retired from Practice in Her Majesty's Courts of Law in *Dublin* for more than Two Years, to be such Commissioners, and to preside in the said Court accordingly; and that the present Chief Clerk, Provisional Assignee, and other Officers of the said Court shall continue to be the Chief Clerk, Provisional Assignee, and other Officers of the Court so hereby continued; and that it shall be lawful for the said Court from Time to Time, upon any Vacancy in any of the said Offices, by Death or otherwise, to appoint other fit Persons to be Chief Clerk, Provisional Assignee, and other Officers, and also to determine from Time to Time, as Occasion may require, the particular Duties to be performed respectively by all the several Officers hereby continued or hereafter to be appointed as aforesaid; and that the Court so hereby continued as aforesaid shall at all Times have Power to appoint such Officers as the Lord Chancellor and the Lords Chief Justices of the Queen's Bench and Common Pleas, and the Lord Chief Baron of the Exchequer in *Ireland*, shall judge to be necessary, and in such Manner as they shall direct.

Commissioners to hold their Offices during good Behaviour.

III. And be it enacted, That the Commissions of the said Commissioners of the said Court hereby continued in their Offices, or hereafter to be appointed as aforesaid, shall be continued and remain in full Force during their good Behaviour, notwithstanding the Demise of Her Majesty (whom God long preserve), or of any of Her Heirs or Successors.

But may be removed upon Address.

IV. Provided always, and be it enacted, That it may be lawful for Her Majesty, Her Heirs and Successors, to remove any such Commissioner of the said Court upon the Address of both Houses of Parliament.

Salaries of Commissioners to be the Salaries now payable.

V. And be it enacted, That there shall be paid to the said Commissioners hereby continued or hereafter to be appointed as aforesaid, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, at the Receipt of Her Majesty's Exchequer in *Ireland*, such yearly Salaries or Sums of Money as the said Commissioners hereby continued are now by Law entitled to receive as such Commissioners of the said Court hereby continued, the same to be paid upon the same Days and in like Manner as is now by Law provided in that Behalf.

VI. And

Court to be a Court of Record.

Seal of the Court.

Powers of Court and Commissioners.

VI. And be it enacted, That the said Court for the Relief of Insolvent Debtors in *Ireland* shall be a Court of Record for the Purposes of this Act, and shall cause to be sealed with the Seal of the said Court all such Records, Proceedings, Documents, and Copies of the same as are herein-after expressly required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same as the said Court shall at any Time direct; and that the said Court, or any Commissioner thereof acting under the Powers of this Act, may adjourn any Sitting of the said Court or Commissioner as may be requisite, and may administer Oaths and examine all Parties and Witnesses upon Oath for the Purposes of this Act, and shall have such like and the same Powers of compelling the Attendance of Witnesses, both before the said Court and before any Commissioner thereof acting as aforesaid, and before an Officer of the Court, or as herein-after mentioned, and of requiring and compelling the Production of Books and Writings as are now possessed by any of the Superior Courts in *Dublin*; and to order any Prisoner whose Estate shall, by an Order to be made under this Act as herein-after mentioned, have been vested in the Provisional Assignee of the said Court, or any Prisoner, who shall be a necessary and material Witness in any Matter pending in the said Court, to be brought before the said Court or Commissioner, or Officer acting under any Order of the said Court or Commissioner, as often as shall be requisite; and that the said Court, or any Commissioner thereof acting as aforesaid, shall have the Power of committing all Persons guilty of any Contempt of the said Court to the Prison of the Marshalsea of the Four Courts, *Dublin*, or to Her Majesty's Prison of *Kilmainham*, or to the Common Gaol of any County in which such Person shall be or shall usually reside; and that the said Court, or any Commissioner thereof, shall have the Power of fining in a summary Way, or suspending or removing any of the Officers of the said Court who shall be guilty of any Negligence, wilful or unnecessary Delay, or other Misconduct whatsoever: Provided always, that the said Court, or any Commissioner thereof, 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 awarded by this Act; and 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 Court, or of a Commissioner thereof, shall appear to be reasonable.

Court to sit at the Court House on Lower Ormond Quay, Dublin, and elsewhere if necessary.

VII. And be it enacted, That all Proceedings and Matters to be heard by the said Court for the Relief of Insolvent Debtors shall be heard and determined by the said Court, at the Court House of the said Court on *Lower Ormond Quay*, *Dublin*, unless the said Court shall at any Time see cause to appoint its Sittings in any other Place, and shall appoint the same accordingly, which it is hereby empowered to do; and 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

and as the said Court shall find such Sitting necessary for the due Dispatch of the Business of the said Court, and save as herein-after otherwise provided: Provided nevertheless, that during the Period between the last Day of *Trinity* Term and the First Day of *November* in every Year the said Court shall have full Power and Authority to regulate and appoint the Sittings of the said Court at such Times as to the said Court shall appear fit and necessary for the Dispatch of Business and the due Administration of Justice in the said Court; provided that the said Court shall not be adjourned, at any Time during the said Period, for more than Two Calendar Months at any One Time.

Commissioners to make Circuits.

Power of Commissioner on Circuit.

VIII. And be it enacted, That the said Commissioners shall from Time to Time severally make Circuits, and give their Attendance at the several Assize or other Towns or Places at which any Prisoner or Prisoners shall be ordered to appear as herein-after provided; and that upon such Prisoner's Appearance before such Commissioner on his Circuit it shall be lawful for such Commissioner to make all such Orders, and to give all such Directions, and to do all such Matters and Things requisite for the discharging or remanding of such Prisoner, and otherwise respecting such Prisoner and his Schedule, and his Creditors and Assignees, as the said Court for the Relief of Insolvent Debtors may make, give, or do in the Matters of Petitions heard by the said Court according to this Act; and that in each and every Matter to be heard and inquired into by such Commissioner according to the Provisions of this Act such Commissioner shall have the same Power as the said Court would have therein if the same were heard and inquired into by the said Court; and that all Judgments, Rules, Orders, Directions, and Proceedings pronounced, made, and done in all and every the Matters aforesaid by such Commissioner shall be transmitted to the said Court, signed by such Commissioner, to be a Record of the said Court, and to be kept as such among the Records thereof.

Time and Manner of making Circuits.

Travelling Expences to be paid.

One Commissioner to remain in Dublin.

Both Commissioners may be on Circuit if necessary.

IX. And be it enacted, That the said Circuits shall be made Three Times in each Year if requisite, and that the Time and Manner of making the same, and the Officers necessary to attend the Commissioners thereupon, shall be regulated in such Manner as shall be appointed by the Commissioners of the said Court, with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being; and that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to direct that such Sum or Sums shall be paid as may appear fit and necessary for the defraying the Travelling Expences of such Commissioners and Officers in execution of their Duties under this Act; and that during the said Circuits One of the said Commissioners shall be attendant and presiding in the said Court in *Dublin*, unless the said Court shall have been adjourned to some future Time: Provided always, that if on any particular Occasion the said Commissioners, or one of them in the Absence of the other, shall be of opinion that it would be expedient that both the said Commissioners should be absent from the said Court on Circuits in different Places at the same Time, it shall be lawful for such Commissioners to

state such Opinion, together with the Grounds and Reasons thereof, in Writing, to the Chief or Under Secretary at the Castle of *Dublin* for the Information of the Lord Lieutenant or other Chief Governor or Governors as aforesaid; and thereupon, if such Lord Lieutenant or other Chief Governor or Governors shall approve thereof, and such Approval shall be notified in Writing to such Commissioners by such Chief or Under Secretary, it shall be lawful for both the said Commissioners to be so absent from the said Court as aforesaid at the same Time, in such Places respectively as shall be so stated and approved, and for that Purpose to adjourn the said Court for such Time as shall be approved in and by such Notification.

Notice to be given of the Attendance of Commissioners in the Assize Towns.

X. And be it enacted, That the said Court for the Relief of Insolvent Debtors shall cause Notice of the Time and Place or Places of the Attendance of the said Commissioner in each Assize Town, according to this Act, to be given in the *Dublin Gazette*, and in some public Journal or Newspaper circulated in the County wherein such Town is situate, once in each of the Two Weeks immediately preceding the Time appointed for such Attendance; and that if on any Day to which such Court in *Dublin* shall be adjourned as aforesaid, or shall be appointed for the Attendance of a Commissioner of the said Court on his Circuit, such Commissioner shall be, by Death, Sickness, or other Casualty, or by any reasonable Cause, prevented from attending at the Court House or other Place, pursuant to such Adjournment or Appointment, then and in every such Case the Court to be held by such Commissioners or Commissioner shall be considered as adjourned to the ensuing Day, not being a *Sunday*, *Christmas Day*, or *Good Friday*; and if the ensuing Day should be a *Sunday*, *Christmas Day*, or *Good Friday*, then to the next following Day, and so on from Day to Day until One of the said Commissioners shall give his Attendance; and that all Persons summoned or bound or having Occasion to attend such Court shall thereupon be bound to attend the same according to every such Adjournment, in the same Manner in all respects as if the said Commissioner had regularly sat, and so adjourned the said Court; and that when such Commissioner, or some other Person appointed to act in his Room and Stead as herein-after provided, shall so give his Attendance, he shall proceed to dispatch the Business of the said Court in the same Manner in all respects as if such Commissioner had regularly sat, and had himself made such Adjournment or Adjournments of the same; and that such Commissioner (or in case of his Death or Sickness One of the Registrars of the said Court) shall thereupon, without Delay, state in Writing the Reason or Cause which prevented his Attendance on the Day appointed for such Attendance, and shall subscribe such Statement, and shall send the same forthwith by Her Majesty's Post to the said Chief or Under Secretary, to be laid before the Lord Lieutenant or other Chief Governor or Governors as aforesaid.

Adjournment of the Court.

Cause of Non-attendance to be signified to the Chief or Under Secretary.

In case of Illness of a Commissioner another Person may be appointed to

XI. 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

execute the Duties.

vernor 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 Consolidated 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 of such Salary shall for such Period be payable to such Commissioner.

No Fees to be taken by the Commissioners; nor by any Officer except the Chief Clerk, who is to be paid 5*s.* for every Petition.

XII. And be it 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.

Expences of the Court for Coals, Candles, Stationery, and Travelling Charges to be paid out of the Consolidated Fund.

XIII. And for making Provision to defray the Expences of Coals, Candles, and Stationery which may be consumed during the Sittings of the said Court established by 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 following; namely, on every Fifth Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and Tenth Day of *October* in each and every Year; 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 Her Majesty's Exchequer in *Ireland*, to the Order of the said Commissioners, or One of them, in that Behalf.

Court House to be provided.

XIV. And be it enacted, That it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to order that now, and at all other Times when he or they shall think proper or necessary, a suitable and sufficient Court House, with suitable and sufficient Offices for the Purposes aforesaid respectively, shall be provided and maintained in good and sufficient Order and Repair, and that for that Purpose such Ground shall be procured or purchased, and such Court House and Offices erected thereon, or such Building or Buildings as may

be necessary for such Court House and Offices shall be taken at a Rent or Rents, and Repairs, Alterations, and Additions shall be made therein respectively, according to such Plans, Estimates, and Contracts as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being shall direct.

Defraying Expences of Court House.

XV. And be it enacted, That all and every Sum and Sums of Money which shall from Time to Time be required and be necessary for the Purchase of such Ground and erecting Buildings thereon, or for the Rent or Rents of any such Building, or for such Alteration, Addition, or Repairs, shall from Time to Time be paid out of the Consolidated Fund, by or under the Orders and Directions of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Office Copies of Records to be attested.

Fee for such Copies.

XVI. And be it 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, or his Deputy, 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 Two-pence 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.

Power to Officers, on Inquiries directed by the Court, to administer the Oaths.

Court may enforce the Attendance of Witnesses before such Officers.

XVII. And be it enacted, That on the Taxation of Costs in the said Court the proper Officer in that Behalf, and in every Matter of Inquiry duly referred by the said Court to any Officer or Officers thereof any such Officer, shall have full Power to administer Oaths and to examine all Persons concerned, or who shall come or be produced before him, on Oath, concerning the Matter of such Taxation or Inquiry respectively; and it shall and may be lawful to and for such Court to order and enforce the Attendance of Witnesses, and Production of Books, Papers, Documents, and Vouchers before such Officer on such Taxation and Inquiries respectively, in the same Manner in all respects as such Court could or might order or enforce the same on any Inquiry or Trial before the said Court.

Persons imprisoned for Debt may apply to the Court in a summary Way for Discharge.

Time of petitioning.

XVIII. And be it enacted, That from and after the Time appointed for the Commencement of this Act it shall be lawful for any Person who shall be in actual Custody within the Walls of any Prison in that Part of the United Kingdom called *Ireland*, upon any Process whatsoever, for or by reason of any Debt, Damages, Costs, Sum or Sums of Money, or for or by reason of any Contempt of any Court whatsoever for Nonpayment 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 Person 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 the Commencement of the actual Custody of such Prisoner, whether such Commencement shall have been in the same Prison or in any other Prison, or the Rules or Liberties of any Prison, or afterwards, if the said Court shall in any Case think reasonable to permit the same, to apply by Petition in a summary Way to the said Court for the Relief of Insolvent

What shall be stated in the Petition.

Insolvent Debtors for his Discharge from such Custody according to the Provisions of this Act; and in such Petition shall be stated the Time and Place of the first Arrest of such Prisoner, the Cause or Causes wherein he shall then be detained, and the Time of his Commitment to the Prison where he shall then be confined; and if such Prisoner shall not have been in the same Custody from the Time of such first Arrest, then the Means and Manner by which the Change of Custody of such Prisoner has taken place, and also the Name or Names of the Person or Persons at whose Suit or Prosecution such Prisoner shall, at the Time of presenting such Petition, be detained in Custody, and the Amount of the Debt or Debts, Sum or Sums of Money, and of such Costs as aforesaid, so far as the Amount of such Costs is ascertained, for which he shall be so detained; and such Prisoner shall, in such Petition, state that he is willing that all his Real and Personal Estate and Effects shall be vested in the Provisional Assignee for the Time being of the said Court according to the Provisions of this Act, and shall pray to be discharged from Custody, and to have future Liberty of his 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.

Petition to be signed and filed.

Detaining Creditors of Prisoners in Execution may apply by Petition to Insolvent Debtors Court for an Order to vest Debtors Estates in Provisional Assignee of Court.

XIX. And be it enacted, That if any Prisoner who, at the Time appointed for the Commencement of this Act, shall have been committed to any Prison or Gaol, and charged in Execution for any Debt, Damages, or any Costs or Sum or Sums of Money, or committed for or by reason of any Contempt of any Court whatsoever for Nonpayment 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 Prisoner would be liable in purging such Contempt, or in any Manner in consequence or by reason of such Contempt, shall not, within Twenty-one Days next after the Time appointed for the Commencement of this Act, make satisfaction to the Creditor or Creditors at whose Suit such Prisoner shall have been so committed or charged in Execution for such Debt, Damages, Costs, Sum or Sums of Money, or to the Person or Persons entitled to the Money for the Nonpayment of which such Prisoner shall have been in Contempt, or to the Payment of which such Prisoner would be liable in consequence or by reason of such Contempt, or if any Prisoner who, after the Time appointed for the Commencement of this Act, shall be committed to any Prison or Gaol, and charged in Execution for any Debt or Damages, or any Costs or Sum or Sums of Money, or committed for or by reason of any such Contempt as aforesaid, shall not, within Twenty-one Days next after such Prisoner shall be so committed or charged in Execution as aforesaid, make satisfaction to the Creditor or Creditors at whose Suit such Prisoner shall have been so committed or charged in Execution for such Debt, Damages, Costs, Sum or Sums of Money, or to the Person or Persons entitled to the Money for Nonpayment of which such Prisoner shall have been in Contempt, or to the Payment of which such Prisoner would be liable in consequence or by reason of such Contempt, then and in any of the said Cases it shall be lawful for any such Creditor or

or Creditors, or Person or Persons entitled to such Money as aforesaid, to apply by Petition in a summary Way to the said Court for the Relief of Insolvent Debtors for an Order vesting the Real and Personal Estate and Effects of such Prisoner in the Provisional Assignee for the Time being of the said Court, according to the Provisions of this Act; and such Petition shall be signed by the Party or Parties so applying, and in such Petition shall be stated the Time and Place of the Commitment or Charge in Execution of such Prisoner at the Suit of the Party or Parties so applying, and the Amount of the Debt or Sum of Money for which such Prisoner shall have been so committed or charged in Execution; and such Petition shall be supported by such Evidence, by Affidavit or otherwise, of the Truth of the Matters therein stated, as the said Court shall think fit to require; and the Party or Parties presenting such Petition shall thereby state that he or they is or are desirous that such Prisoner should be ordered to file a Schedule of his Property according to the Provisions of this Act, and should thereupon be brought up before the said Court, to be dealt with according to the Provisions of this Act; and such Petition, and the Evidence in support thereof, shall forthwith be filed in the said Court; and for the filing of which Petition the said Chief Clerk shall receive and be entitled to demand and receive from such Petitioner presenting such Petition the Sum of Five Shillings *British*, and no more; and the said Court shall and may require such Prisoner to file his Schedule, and shall and may cause such Prisoner to be brought up to be dealt with according to this Act, and all Things to be done thereupon or preparatory thereto, as in other Cases according to this Act.

Prisoner's Estate and Effects, except Wearing Apparel, &c. not exceeding 15*l.*, and future Estate, to be vested in Provisional Assignee by Order of the Court.

XX. And be it enacted, That upon the filing of such Petition by such Prisoner, or on the filing of such Petition by such Creditor or Creditors as aforesaid, and the Evidence in support thereof, as the Case may be, it shall be lawful for the said Court for the Relief of Insolvent Debtors, and such Court is hereby authorized and required, to order that all the Real and Personal Estate and Effects of such Prisoner, both within this Realm and abroad (except the Wearing Apparel, Bedding, and other Necessaries of such Prisoner and his Family, and the Working Tools and Implements of such Prisoner, not exceeding in the whole the Value of Fifteen Pounds), and all the future Estate, Right, Title, Interest, and Trust of such Prisoner in or to any Real and Personal Estate and Effects within this Realm or abroad, which such Prisoner may purchase, or which may revert, descend, be devised or bequeathed or come to him before he shall become entitled to his final Discharge in pursuance of this Act, according to the Adjudication made in that Behalf, or in case such Prisoner shall obtain his full Discharge from Custody without any Adjudication being made by the said Court, then before such Prisoner shall be so fully discharged from Custody, and all Debts due or growing due to such Prisoner, or to be due to him or her before such Discharge as aforesaid, shall be vested in the Provisional Assignee for the Time being of the said Court, and such Order shall be entered of Record in the same Court, and such Notice thereof shall be published as the said Court shall direct; and such Order, when so made, shall, without any Conveyance or Assignment, vest

all the Real and Personal Estate and Effects of such Prisoner, and all such future Real and Personal Estate and Effects as aforesaid, of every Nature and Kind whatsoever, and all such Debts as aforesaid, in the said Provisional Assignee: Provided always, that in case the Petition of any such Prisoner shall be dismissed by the said Court (which the said Court is hereby empowered to dismiss whereever it shall seem fit), such vesting Order made in pursuance of such Petition shall, from and after such Dismission, be null and void to all Intents and Purposes: Provided also, that in case any such vesting Order as aforesaid shall become null and void by the Dismission of the Prisoner's Petition, all the Acts theretofore done by the said Provisional Assignee, or any Person or Persons acting under his Authority, according to the Provisions of this Act, shall be good and valid; and no Action or Suit shall be commenced against such Provisional Assignee, nor against any Person duly acting under his Authority, except to recover any Property, Estate, Money, or Effects of such Prisoner detained, after an Order made by the said Court for the Delivery thereof and Demand made thereupon, but not sooner: Provided also, that when such vesting Order shall have been made on the Petition of a Creditor as aforesaid, it shall be lawful for the said Court, if it shall seem just and right, but not without Proof made to the Satisfaction of the said Court of the Consent of the Petitioning Creditor, to make Order declaring such vesting Order to be null and void, and the same shall thereupon be null and void to all Intents and Purposes: Provided always, that where in any Case by Leave of the said Court any Amendment shall be made in any such Petition, or an amended Petition shall be filed as of the Date of the original Petition (which the said Court is hereby empowered to do and authorize, without dismissing such original Petition), such vesting Order shall not thereby be affected, but shall stand good to all Intents and Purposes, notwithstanding such Amendment or amended Petition so filed as aforesaid.

Prisoners within the Walls only to petition, except in certain Cases.

XXI. And be it enacted, That no Prisoner shall upon his own Petition be entitled to the Benefit of this Act who shall not be at the Time of filing his Petition, and during all the Proceedings thereon, in actual Custody within the Walls of the Prison, without any Intermission of such Imprisonment by Leave of any Court or otherwise: Provided always, that if after any such Prisoner shall have obtained an Order to be brought up in order to be dealt with according to the Provisions of this Act, it shall appear to the Satisfaction of the said Court, by the Oath or Affidavit of a Physician, Surgeon, or Apothecary, and such other Evidence as the Court may require, that such Prisoner cannot continue to reside within the Walls of any such Prison without serious Injury to the Health of such Prisoner, or that for the sake of the Health of the Prisoners in general it is necessary that the Number thereof within the Walls of any such Prison should be reduced, it shall be lawful for the said Court to dispense with such actual Custody of any such Prisoner within the Walls as is herein-before mentioned: Provided always, that if any such Prisoner, having obtained such Dispensation, shall go beyond the Rules and Liberties in which he shall in pursuance thereof be confined, such Prisoner shall thereby be deprived of all Benefit of this

Act: Provided also, that after any Order shall have been made under this Act, directing any Insolvent to be brought up in order to be dealt with according to the Provisions of this Act, it shall be lawful for the said Court for the Relief of Insolvent Debtors, if such Court shall think fit to do so, and on such Notice to the detaining Creditor or Creditors of such Insolvent as the said Court shall deem proper, to direct such Insolvent to be discharged out of Custody, on his finding Two sufficient Sureties to enter into a Recognizance to the Provisional Assignee of the said Court, in such Sum as the said Court shall think fit, with a Condition that such Insolvent shall duly appear at the Time and Place fixed for the Hearing of the Petition of such Insolvent, and on every adjourned Hearing, and shall abide by the final Judgment of the said Court, or a Commissioner thereof on his Circuit, and on such other Terms (if any) as the said Court shall think fit to impose, and to issue a Warrant directed to the Gaoler ordering the Discharge of such Insolvent from Custody accordingly; and that after such Discharge such Insolvent shall be free from Arrest or Imprisonment by any Creditor whose Debt shall be specified in the Schedule filed by such Insolvent as herein-after mentioned, until the Time appointed for the Hearing of such Insolvent, and for such further Time (if any) as the said Court shall by Indorsement on such Order from Time to Time appoint: Provided always, nevertheless, that in case any Insolvent so discharged out of Custody shall not duly appear at the Time and Place fixed for the Hearing or any adjourned Hearing of such Insolvent (not being prevented by Illness or other lawful Impediment to be allowed of by the said Court), the Recognizance so entered into shall be forfeited, and the Amount secured thereby shall be recoverable in a summary Way by a Distress and Sale of the Goods and Chattels of such Sureties as the said Court shall by their Order direct; and the Amount so recovered shall be applied for the Benefit of the Creditors of such Insolvent in like Manner as if the same were Part of his Estate and Effects; and the said Court may also issue a Warrant, authorizing any Person or Persons to be therein named to apprehend and arrest such Insolvent, and deliver him into the Custody of the Gaoler or Keeper in whose Custody such Prisoner was at the Time when he was so discharged as aforesaid; and such Gaoler or Keeper is hereby required to receive such Prisoner again into his Custody; and all Detainers which were in force against him at the Time of such Discharge, or which shall have since been duly lodged against him, shall thereupon be deemed to be in force: Provided also, that any Insolvent so discharged out of Custody as aforesaid shall, on his appearing before the said Court or Commissioner, be deemed and considered for all the Purposes of this Act in the Custody in which he was at the Time he was so discharged.

Power to Insolvent Debtors Court to direct Prisoner to be discharged on his finding Sureties to attend at the Time and Place of Hearing.

XXII. And whereas it is expedient that Persons residing in any Place other than the County of *Dublin*, or the County of the City of *Dublin*, who may be willing to enter into Recognizances of Sureties for the due Appearance of Insolvent Debtors before the said Court, should be enabled to enter into such Recognizances without the Necessity of appearing for such Purpose before the Court itself at its usual and ordinary Place of sitting; be it therefore enacted, That the Commissioners of the said Court for the Time being shall and may,

Commissioners may empower Persons in the Assize Towns to receive Recognizances.

may, by One or more Commission or Commissions under the Seal of the said Court, from Time to Time as Occasion shall require, empower such and so many fit and proper Persons as they shall think necessary, in all and every the Assize Towns aforesaid, to take and receive all and every the Recognizance or Recognizances of Sureties into which any Persons may be willing to enter for the due Appearance of Insolvent Debtors, according to such several and respective Recognizances, and in such Form as the Court, in pursuance of this Act, shall and may direct and require.

Persons residing out of Dublin may enter into Recognizances.

XXIII. And be it enacted, That in any Case of a Prisoner whose Estate and Effects shall be by Order of the said Court vested in the Provisional or other Assignee, and who shall be confined in the Gaol of any County, Town, or Place, other than the County of *Dublin* or the County of the City of *Dublin*, and who shall have filed his Schedule in the said Court according to the Provisions of this Act, it shall and may be lawful for any Person or Persons who may be willing to enter into such Recognizances as aforesaid, whose usual and ordinary Place of Residence shall be elsewhere than in the County of *Dublin* or the County of the City of *Dublin* aforesaid, to appear before a Person duly appointed and empowered in manner aforesaid, and there to enter into and acknowledge such Recognizance of Sureties for the due Appearance of such Insolvent according to such Forms and in such Terms and Manner as shall or may be prescribed by the said Court, which said Recognizances of Sureties so taken as aforesaid shall be transmitted, and filed in the said Court, with an Affidavit of the due taking of the said Recognizances of such Sureties by some credible Person present at the taking thereof, which Recognizances, so taken, transmitted, and filed, shall be of the like Force and Effect as if the same were taken before the said Court.

Court to regulate the Amount of such Recognizances.

XXIV. And be it enacted, That the said Court shall make such Rules and Orders regulating the Amount and for the taking of such Recognizances as to them shall seem meet, so as such Sureties be not compelled to appear in Person in the said Court to justify themselves, but the same may and is hereby directed to be determined before the said Court, or a Commissioner thereof, by Affidavit or Affidavits duly taken before the Person or Persons so empowered as aforesaid, who are hereby empowered and required to take the same.

Commissioner on Circuit may receive such Recognizances.

XXV. And be it enacted, That a Commissioner of the said Court, on his Circuits, shall and may take and receive every such Recognizance of Sureties as any Person or Persons shall be willing to make or acknowledge before him, which, being transmitted, shall, without Oath, be filed in manner aforesaid.

When Sureties justified, &c. Court may order Discharge of Insolvent.

XXVI. And be it enacted, That as soon as such Sureties shall have justified in manner aforesaid, and such Recognizances as hereinbefore mentioned shall have been filed, the said Court shall thereupon issue a Warrant to the Gaoler for the Discharge of such Insolvent from Custody accordingly, and who shall have such and the like Privileges,

Privileges, and be subject to such and the like Liabilities, as is hereinbefore provided with respect to any Insolvent Debtor who shall enter into a Recognizance to the Provisional Assignee of the said Court as aforesaid.

Filing Petition an Act of Bankruptcy, if acted upon within a certain Time; in which Case the Order avoided.

XXVII. And be it enacted, That the filing of the Petition of every Person in actual Custody who shall be subject to the Laws concerning Bankrupts, and who shall apply by Petition to the said Court for his Discharge from Custody according to this Act, shall be accounted and adjudged an Act of Bankruptcy from the Time of filing such Petition; and that any Commission of Bankruptcy issuing against such Person, and under which he shall be declared bankrupt before the Time appointed by the said Court and advertised in the *Dublin Gazette* for such Prisoner to be brought up to be dealt with according to this Act, or at any Time within Two Calendar Months from the Time of making any such vesting Order as aforesaid, whether upon the Petition of such Prisoner or the Petition of any such Creditor as aforesaid, shall have the Effect of divesting the said Real and Personal Estate and Effects of such Person out of the said Provisional Assignee: Provided always, that the filing of such Petition shall not be deemed an Act of Bankruptcy, unless such Person be so declared Bankrupt before the Time so advertised as aforesaid, or within such Two Calendar Months as aforesaid, but that every such Order as aforesaid shall be good and valid notwithstanding any Commission of Bankruptcy under which such Person shall be declared bankrupt after the Time so advertised as aforesaid, and after the Expiration of such Two Calendar Months as aforesaid.

Order to be filed, although avoided by Commission Bankruptcy;

and Court shall proceed to hear and adjudicate as in other Cases.

If Insolvent obtains his Certificate, the Rights of Assignees afterwards to be the same as in other Cases.

XXVIII. Provided always, and be it enacted, That where the Order vesting the Estate and Effects of any such Prisoner in the Provisional Assignee of the said Court, in pursuance of the Provisions of this Act, shall be or become void by reason of such Prisoner being declared bankrupt within such Period as above mentioned, or being an uncertified Bankrupt at the Time of such Order, the said Order shall nevertheless, together with the Petition of such Prisoner (if any) remain of Record in the said Court; and the said Court shall and may require such Prisoner to file his Schedule, and shall and may cause such Prisoner to be brought up to be dealt with according to this Act, and all Things to be done thereupon or preparatory thereto as in other Cases according to this Act; and the said Court shall and may, at any Time when it shall seem fit, appoint other Assignee or Assignees in such Case in the same Manner as in other Cases; and that if at any Time after such vesting Order shall have been made such Prisoner shall obtain his Certificate under any such Commission of Bankruptcy, the Rights, Powers, Title, and Interest of the Provisional Assignee and other Assignee or Assignees appointed under this Act, over and respecting any Property, Real or Personal, whatsoever, remaining to such Prisoner after the obtaining of such Certificate, or thereafter in any way coming to him, and under and in pursuance of the Warrant of Attorney to be executed by such Prisoner under the Provisions of this Act, shall from and after the obtaining of such Certificate be the same as if the vesting Order made under this Act had been valid at the Time of the making thereof:

Not to affect Title of Assignees of Bankrupt, or Operation of Certificate.

thereof: Provided always, that nothing herein contained shall be construed to affect the Title, Rights, and Interests of the Assignees under any such Commission of Bankruptcy, or to alter or diminish the Effect of any such Certificate as aforesaid, but that the Title, Rights, and Interests of such last-mentioned Assignees, and the Benefit of such Certificate to such Prisoner, shall be the same to all Intents and Purposes as if this Act had not been made.

Prisoner not to be discharged for Want of Plaintiff proceeding in his Action.

XXIX. And be it enacted, That no Prisoner whose Estate shall by an Order under this Act have been vested in the said Provisional Assignee shall, after the making of such Order, be discharged out of Custody as to any Action, Suit, or Process for or concerning any Debt, Sum of Money, Damages, or Claim with respect to which an Adjudication can under the Provisions of this Act be made, by or by virtue of any Supersedeas, Judgment of Non-pros, or Judgment as in the Case of a Nonsuit, for Want of the Plaintiff or Plaintiffs in such Action, Suit, or Process proceeding therein.

Provisional Assignee to take possession of Estates, &c. vested in him, and sell the same if the Court directs;

paying the Expences, &c.

to sue in his own Name, &c.

Property vested in him to go to his Successor in Office.

XXX. And be it enacted, That it shall be lawful for the Provisional Assignee or any Officer of the said Court, or other Person or Persons appointed for that Purpose (if the said Court shall so order), to take possession of all the Real and Personal Estate and Effects of every such Prisoner vested in such Provisional Assignee by virtue of any such Order as aforesaid, and, if the said Court shall so order, to sell or otherwise dispose of such Goods, Chattels, and Personal Estate, or any Part thereof, and of the Real Estate of such Prisoner, according to the Provisions herein-after made with regard to the Sale of such Real Estate; and out of the Proceeds of such Real and Personal Estate to defray, in the first place, all such Costs and Expences of taking possession, or of seizing and selling the same, as shall be allowed by the said Court, and to account for the Produce of such Sale or Disposition to the said Court; and it shall be lawful for the said Provisional Assignee to sue in his own Name, if the said Court shall so order, for the recovering, obtaining, and enforcing of any Estates, Debts, Effects, or Rights of any such Prisoner; and all and every the Real and Personal Estate, Money, and Effects vested in or possessed by such Provisional Assignee by virtue of such Order as aforesaid shall not remain in him if he shall resign or be removed from his Office, nor in his Heirs, Executors, or Administrators in case of his Death, but shall in every such Case go to and be vested in his Successor in Office appointed by the said Court as aforesaid.

Court may order Allowance to Prisoner during his Confinement, or for Expence of Schedule.

XXXI. And be it enacted, That the said Court for the Relief of Insolvent Debtors may order and direct such Provisional Assignee as aforesaid, or such Assignee or Assignees as are herein-after mentioned, to pay to any such Prisoner out of his or her Estate and Effects such Allowance for his or her Support and Maintenance during such Prisoner's Imprisonment, and previous to the Adjudication in the Matter of his Petition, or for the Expence of making out and filing his Schedule, as to the said Court shall seem reasonable and fit.

XXXII. Pro-

XXXII. Provided always, and be it enacted, That in case any Prisoner as to whose Estate and Effects any such vesting Order as aforesaid shall have been made shall, by the Consent or Default of his detaining Creditor or Creditors, be discharged out of Custody without any Adjudication being made in that Behalf by the said Court for the Relief of Insolvent Debtors, all the Acts done before such Discharge by the said Provisional Assignee or other Assignee or Assignees appointed as herein-after provided, or other Person or Persons acting under his or their Authority, or the Authority of the said Court, according to the Provisions of this Act, shall be good and valid; and that in such Case, or in case such vesting Order as aforesaid shall be avoided by any Commission of Bankruptcy thereafter issuing against such Prisoner as herein-before provided, no Action or Suit shall be commenced against such Provisional Assignee, or against any Assignee or Assignees appointed under this Act, nor against any Person duly acting under his or their Authority or the Authority of the said Court, except to recover any Property, Estate, Money, or Effects of such Prisoner detained after an Order made by the said Court for the Delivery thereof, and Demand made thereupon.

Where Prisoner is discharged out of Custody, Acts of Assignees to be valid.

No Action to be brought against them where Assignment is avoided.

XXXIII. And be it enacted, That it shall be lawful for the said Court for the Relief of Insolvent Debtors, at any Time after the making any such vesting Order as aforesaid as to the same Court shall seem expedient, to appoint any proper Person or 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 his or their Acceptance of the said Appointment, the Estate, Effects, Rights, and Powers of such Prisoner vested in such Provisional Assignee as aforesaid shall immediately, by virtue of such Appointment, and without any Conveyance or Assignment, vest in the said Assignee or Assignees, in Trust for the Benefit of the Creditors of such Prisoner in respect of or in proportion to their respective Debts, according to the Provisions of this Act; and such Appointment shall, after every such Acceptance thereof, be entered of Record of the said Court, and such Notice thereof shall be published as the said Court shall direct; and every Person so appointed Assignee shall be deemed to be an Officer of the said Court, and shall be liable as such to the Control thereof; Provided always, that it shall be lawful for the said Court to direct any Fee or Remuneration for the Performance of Duties in getting in and distributing the Estate of any Insolvent Debtor, whether by any Assignee or by the Provisional Assignee, in case of such Distribution being effected without the Appointment of any other Assignee, which shall not exceed the Rate of Five *per Centum* on the Sum received as Produce of such Estate.

Power of Insolvent Debtors Court to appoint Assignees.

XXXIV. And be it enacted, That a Copy of any Order under this Act vesting the Estate and Effects of any Prisoner in the Provisional Assignee of the said Court, or of the Appointment under the Provision last herein-before contained of an Assignee or Assignees of such Estate and Effects, such Copy being made upon Parchment, and purporting to have the Certificate of the Provisional Assignee of the said Court or his Deputy appointed for that Purpose endorsed thereon,

Certified Copy of Order and Appointment to be Evidence.

on, and to be sealed with the Seal of the said Court, shall in all Courts and Places, and without further Proof, be recognized and received as sufficient Evidence of such Order and Appointment respectively having been made, and of the Title of the Provisional Assignee and of such other Assignee or Assignees respectively under the same: Provided always, that where according to any Laws now in force any Conveyance or Assignment of any Real or Personal Property of an Insolvent Debtor would be required to be registered, enrolled, or recorded in any Registry Office in *England*, *Wales*, or *Ireland*, or in any Registry Office, Court, or other Place in *Scotland*, or any of the Dominions, Plantations, or Colonies belonging to Her Majesty, then and in every such Case such certified Copy as herein-before is described of such Order under this Act, vesting the Estate and Effects of any Prisoner in the Provisional Assignee of the said Insolvent Debtors Court, and a like certified Copy of the Appointment of an Assignee or Assignees under this Act (if any such Appointment shall have been made), shall be registered in the Registry Office, Court, or Place wherein such Conveyance or Assignment as last aforesaid would require to be registered, enrolled, or recorded; and the Registry hereby directed shall have the like Effect to all Intents and Purposes as the Registry, Enrolment, or recording of such Conveyance or Assignment as last aforesaid would have had; and the Title of any Purchaser of any such Property as last aforesaid for valuable Consideration, without Notice of any such Order or Appointment as aforesaid, who shall have duly registered, enrolled, or recorded his Purchase Deed previously to the Registry hereby directed, shall not be invalidated by reason of such Order as aforesaid, or the Appointment of an Assignee or Assignees as aforesaid, or the vesting of such Property in him or them consequent thereupon respectively, unless a certified Copy of such Orders and a certified Copy of such Appointment (if any) shall be registered as aforesaid within the Times following; (that is to say,) as regards the United Kingdom of *Great Britain* and *Ireland*, within Two Months after the Date of such Order and Appointment respectively, and as regards all other Places within Twelve Months from the Date thereof respectively.

Provision for Registry.

Sale of Estate and Effects to be made immediately.

XXXV. And be it enacted, That the Assignee or Assignees of the Estate and Effects of any such Prisoner shall, with all convenient Speed after his or their Appointment, use his or their best Endeavours to receive and get in the Estate and Effects of such Prisoner, and shall with all convenient Speed make sale of all such Estate and Effects; and if such Prisoner shall be interested in or entitled to any Real Estate, either in Possession, Reversion, or Expectancy, such Real Estate, within the Space of Six Months after the Appointment of such Assignee or Assignees, 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 shall, Thirty Days before any such Sale, be approved, in Writing under their Hands, by the major Part in Value of the Creditors of such Prisoner entitled to the Benefit thereof, who shall meet together on Notice of such Meeting published Fourteen Days previous thereto in the *Dublin Gazette*, and also in some daily Newspaper printed and published in *Dublin*, if the Prisoner before his or her going to Prison resided in the City or County of *Dublin*;

Creditors to meet 30 Days before Sale of Real Estate. Meeting to be advertised.

Dublin, and if such Prisoner resided elsewhere within the United Kingdom, then in some printed Newspaper which shall be generally circulated in or near the Place where such Prisoner resided at the Time aforesaid.

Discretion given to the Court as to the Disposal of Property in certain Cases.

XXXVI. And whereas Persons whose Estates may by an Order under this Act have been vested in the said Provisional Assignee may be entitled to Annuities for their own Lives or other uncertain Interests, or to such reversionary or contingent Interests, 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 Payment of the Debts or Part of the Debts of such Person, instead of selling the Property of such Person for that Purpose; be it 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 such Person; 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 Person until the same can be properly sold, or until Payment of all such Creditors, according to the Provisions of this Act, shall have been made, and to make such Orders touching the Sale or Disposition of such Property as to the said Court shall seem reasonable, considering the Rights of the Creditors of such Person to Payment of their Demands, and the future Benefit of such Person after Payment of his 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 if it shall appear to the said Court that the Debts of such Person can be discharged by means of Money raised by way of Mortgage on any Property of such Person, instead of raising the same by Sale, it shall be lawful for the said Court so 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 Person, in such Manner as may be most consistent with the Interests of such Person in any Surplus of his or her Effects after Payment of such Debts.

Property may be mortgaged if more beneficial.

Assignees may execute Powers which the Insolvent might have executed fo his own Benefit.

XXXVII. And be it enacted, That all Powers vested in any such Prisoner, whose Estate shall by any Order under this Act have been vested in the Provisional Assignee, which such Prisoner might legally execute for his own Benefit (except the Right of Nomination to any vacant Ecclesiastical Benefice), 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, to be by such Assignee or Assignees executed for the Benefit of all and every the Creditors of such Prisoner under this Act, in such Manner as such Prisoner might have executed the same.

Where Lease accepted by Assignees, the Insolvent not liable for the Rent.

XXXVIII. And be it enacted, That in all Cases in which any such Prisoner shall be entitled to any Lease or Agreement for a Lease, and his Assignee or Assignees shall accept the same, and the Benefit thereof, as Part of such Prisoner's Estate and Effects, the said Prisoner shall not be or be deemed to be liable to pay any subsequent Rent to which his Discharge adjudicated according to this Act may not apply, nor be in any Manner sued after such Acceptance, in respect or by reason of any subsequent Non-observance or Non-performance of the Conditions, Covenants, or Agreements therein contained: Provided always, that in all such Cases as aforesaid it shall be lawful for the Lessor or Person agreeing to make such Lease, his Heirs, Executors, Administrators, or Assigns, if the said Assignee or Assignees, or the said Provisional Assignee if no other Assignee has been appointed, shall refuse to accept such Lease or Agreement for a Lease, or shall decline, upon his or their being required so to do, to determine whether he or they will or will not accept such Lease or Agreement for a Lease, to apply to the said Court, praying that he or they may either so accept the same, or deliver up such Lease or Agreement for a Lease, and the Possession of the Premises demised or intended to be demised; and the said Court shall thereupon make such Order as in all the Circumstances of the Case shall seem meet and just, and such Order shall be binding on all Parties.

Assignees may sue in their own Names;

may make Composition for Debts;

and may submit Differences to Arbitration.

Consent of Creditors necessary to Compositions and Arbitrations.

XXXIX. And be it enacted, That it shall be lawful for the Assignee or Assignees of any such Prisoner, and such Assignee or Assignees is and are hereby empowered, to sue, from Time to Time as there may be Occasion, in his or their own Name or Names, for the Recovery, obtaining, and enforcing of any Estate, Effects, or Rights of such Prisoner, but in Trust for the Benefit of the Creditors of such Prisoner according to the Provisions of this Act, and to give such Discharge and Discharges to any Person or Persons who shall be respectively indebted to such Prisoner as may be requisite; and to make Compositions with any Debtors or Accountants to such Prisoner, where the same shall appear necessary, 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: Provided nevertheless, that no such Composition or Submission to Arbitration shall be made, nor any Suit in Equity be commenced, by any such Assignee or Assignees, without the Consent in Writing of the major Part in Value of the Creditors of such Prisoner, who shall meet together pursuant to a Notice of such Meeting to be published at least Fourteen Days before such Meeting in the *Dublin Gazette*, and also in some Newspaper most usually circulated in the Neighbourhood of the Place where such Prisoner had his or her last usual Residence before his or her Imprisonment as aforesaid, nor without the Approbation of the said Court.

Creditors to vote according to Balance due

XL. And be it enacted, That all Matters wherein Creditors shall vote, or wherein the Assent or Dissent of Creditors shall be exercised, in pursuance of or in carrying into effect this Act, every

Creditor shall be accounted such in respect of such Amount only as upon an Account fairly stated between the Parties, exclusive of the Value of mortgaged Property, Judgments, or other such available Securities and Liens, with respect to which the Creditor entitled to the Benefit thereof shall not have made and filed an Election under the Provisions of this Act, shall appear to be the Balance due; and that all Disputes arising in such Matters concerning any such Amount shall, upon Application duly made in that Behalf, be examined into by the said Court, who shall have Power to determine the same, or, if it seem fit, to refer the Examination thereof to an Officer of the said Court, or Examiner: Provided always, that the Amount in respect of which any such Creditor shall vote in any such Matter shall not be conclusive of the Amount of his or her Debt for any ulterior Purposes in pursuance of the Provisions of this Act.

to them on Account fairly stated.

XLI. And be it enacted, That whenever any such Assignee or Assignees shall die or be removed, or a new Assignee or Assignees shall be appointed, in pursuance of the Provisions of this Act, no Action at Law or Suit in Equity shall be thereby abated, but the Court in which any Action or Suit is depending may, upon the Suggestion of such Death or Removal and new Appointment, allow the Name or Names of the surviving or new Assignee or Assignees to be substituted in the Place of the former, and such Action or Suit shall be prosecuted in the Name or Names of the said surviving or new Assignee or Assignees in the same Manner as if he or they had originally commenced the same.

Suits not to be abated by Death or Removal of Assignees.

XLII. And be it enacted, That if any such Prisoner shall, at the Time of filing such Petition as aforesaid, whether such Petition shall have been preferred by himself or by any such Creditor as aforesaid, or at any Time before such Prisoner shall have become entitled to his final Discharge according to this Act, have any Government Stocks, Funds, or Annuities, or any of the Stock of any public Company, either in *England*, *Scotland*, or *Ireland*, standing in his own Name, in his own Right, and for his own Benefit, it shall be lawful for the said Court for the Relief of Insolvent Debtors, whenever it shall seem fit so to do, to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name of such Assignee or Assignees as aforesaid, and all such Persons whose Act or Consent is so necessary as aforesaid are hereby indemnified for all Things done or permitted pursuant to such Order.

Where the Prisoner is beneficially entitled to Stock, the Court may order a Transfer.

XLIII. And be it enacted, That nothing in this Act contained shall extend to entitle the Assignee or Assignees of the Estate and Effects of any such Prisoner, being a beneficed Clergyman or Curate, to the Income of such Benefice or Curacy for the Purposes of this Act: Provided always, that it shall be lawful for such Assignee or Assignees to apply for and obtain a Sequestration of the Profits of any such Benefice for the Payment of the Debts of such Prisoner; and the Order appointing an Assignee or Assignees of such Prisoner in pursuance of this Act shall be a sufficient Warrant for the granting of such Sequestration, without any Writ or other Proceedings to authorize the same; and such Sequestration shall accordingly be issued

Assignees Power not to extend to the Income of a Benefice, &c.

Sequestration of Profit of Benefice may be obtained.

issued as the same might have been issued upon any Writ of Levari facias founded upon any Judgment against such Prisoner.

Assignees Power not to extend to the Pay or Pension of Naval, Military, or Civil Officers.

XLIV. And be it enacted, That nothing in this Act contained shall extend to entitle the Assignee or Assignees of the Estate and Effects of any such Prisoner, being or having been an Officer of the Army or Navy, or an Officer or Clerk or otherwise employed or engaged in the Service of Her Majesty in the Customs or Excise, or any Civil Office or other Public Department whatsoever, or being or having been in the Naval or Military Service of the *East India* Company, or an Officer or Clerk or otherwise employed or engaged in the Service of the Court of Directors of the said Company, or being otherwise in the Enjoyment of any Pension whatever under any Department of Her Majesty's Government or from the said Court of Directors, to the Pay, Half Pay, Salary, Emoluments, or Pension of any such Prisoner for the Purposes of this Act: Provided always, that it shall be lawful for the said Court to order such Portion of the Pay, Half Pay, Salary, Emoluments, or Pension of any such Prisoner, as on Communication from the said Court to the Secretary at War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the chief Officer of the Department to which such Prisoner may belong or have belonged, or under which such Pay, Half Pay, Salary, Emoluments, or Pension may be enjoyed by such Prisoner, or the said Court of Directors, he or they may respectively under his or their Hands, or under the Hand of his or their chief Secretary or other chief Officer for the Time being, consent to in Writing, to be paid to such Assignee or Assignees, in order that the same may be applied in Payment of the Debts of such Prisoner; and such Order and Consent being lodged in the Office of Her Majesty's Paymaster General, or of the Secretary of the said Court of Directors, or of any other Officer or Person appointed to pay or paying any such Pay, Half Pay, Salary, Emoluments, or Pension, such Portion of the said Pay, Half Pay, Salary, Emoluments, or Pension as shall be specified in such Order and Consent shall be paid to the said Assignee or Assignees until the said Court shall make Order to the contrary.

Portion of Pay or Pension may be obtained on Application.

Goods in possession of Prisoner, whereof he was reputed Owner, to be deemed his Property.

XLV. And be it enacted, That if any such Prisoner shall at the Time of his Arrest or other Commencement of his Imprisonment, by the Consent and Permission of the true Owner thereof, have in his Possession, Order, or Disposition any Goods or Chattels whereof such Prisoner was reputed Owner, or whereof he had taken upon him the Sale, Alteration, or Disposition as Owner, the same shall be deemed to be the Property of such Prisoner so as to become vested in the Provisional Assignee of the said Court, by the Order made in pursuance of this Act: Provided that no Transfer or Assignment of any Ship or Vessel, or any Share thereof, made as a Security for any Debt or Debts, either by Way of Mortgage or Assignment, duly registered according to the Provisions of an Act made in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the registering of* British *Vessels*, shall be invalidated or affected by reason of such Possession, Order, or Disposition of the same as aforesaid.

No Assignment of Vessels under 3 & 4 W. 4. c. 55. to be affected.

XLVI. And

Distress not to be available for more than One Year's Rent.

XLVI. And be it enacted, That no Distress or Distresses for Rent, made and levied after the Arrest or other Commencement of the Imprisonment of any Person whose Estate shall by any such Order as aforesaid have been vested in the Provisional Assignee, upon the Goods or Effects of any such Person, shall be available for more than One Year's Rent accrued prior to the making of such Order, but that the Landlord or Party to whom the Rent shall be due shall and may be a Creditor for the Overplus of the Rent due, and for which the Distress shall not be available, and entitled to all the Provisions made for Creditors by this Act.

Voluntary Preference fraudulent, and void as against Assignees.

XLVII. And be it enacted, That if any such Prisoner shall, before or after his or her Imprisonment, being in insolvent Circumstances, voluntarily convey, assign, transfer, charge, deliver, or make over any Estate, Real or Personal, Security for Money, Bond, Bill, Note, Money, Property, Goods or Effects whatsoever, to any Creditor or Creditors, or to any Person or Persons in Trust for, or to or for the Use, Benefit, or Advantage of any Creditor or Creditors, every such Conveyance, Assignment, Transfer, Charge, Delivery, and making over shall be deemed and is hereby declared to be fraudulent, and void as against the Provisional or other Assignee or Assignees of such Prisoner appointed under this Act: Provided always, that no such Conveyance, Assignment, Transfer, Charge, Delivery, or making over shall be so deemed fraudulent and void, unless made within Three Months before the Commencement of such Imprisonment, or with the View or Intention by the Party so conveying, assigning, transferring, charging, delivering, or making over, of petitioning the said Court for his Discharge from Custody under this Act.

Warrant of Attorney and Cognovit actionem not to be acted upon against Goods of Insolvent after his Imprisonment.

XLVIII. And be it enacted, That in all Cases where any Prisoner whose Estate shall have been vested in the said Provisional Assignee under this Act shall have executed any Warrant of Attorney to confess Judgment, or shall have given any Cognovit actionem or Bill of Sale, whether for a valuable Consideration or otherwise, no Person shall after the Commencement of the Imprisonment of such Prisoner avail himself or herself of any Execution issued or to be issued upon any Judgment obtained or to be obtained upon such Warrant of Attorney or Cognovit actionem, or of such Bill of Sale, either by Seizure and Sale of the Property of such Prisoner or any Part thereof, or by Sale of such Property theretofore seized, or any Part thereof, but that any Person or Persons to whom any Sum or Sums of Money shall be due in respect of any such Warrant of Attorney or Cognovit actionem, or of such Bill of Sale, shall and may be a Creditor or Creditors for the same under this Act.

Assignees to file Accounts.

XLIX. And be it enacted, That the Assignee or Assignees of any such Prisoner, at the End of Three Months at the farthest from the Time of his Appointment, or sooner if the said Court shall direct, and so from Time to Time as Occasion shall require or the said Court shall direct, shall make up an Account of such Prisoner's Estate, and make Oath in Writing before the Chief Clerk of the said Court,

or before any other Person before whom Affidavits are by this Act directed to be sworn, that such Account contains a fair, just, and particular Account of the Estate and Effects of such Prisoner got in, by, or for such Assignee, and of all Payments necessarily made or deducted therefrom, and of all Expences sought to be allowed in respect thereof up to the Time of filing such Account, or to some ulterior Time if need be; which Account so sworn, together with a Minute concerning the probable Assets of the Estate (if any), shall be filed with the proper Officer of the said Court; and if there shall appear to be in the Hands of such Assignee or Assignees any Balance wherewith a Dividend may be made, Proceedings shall be had forthwith, under the Direction of the said Court, for making such Dividend, and also, when it shall appear necessary, for correcting and ascertaining the Lists of Creditors entitled to receive the same; and Notice of any Meeting ordered to be held for such ascertaining of Debts, or for declaring Dividend thereupon, or for both Purposes, shall be given for such Time and Place and in such Manner as the said Court shall at any Time or in any Case direct; and in case such Dividend shall be made before Adjudication shall have been made with respect to such Prisoner as herein-after provided, the same shall be made amongst the Creditors of such Prisoner who shall prove their Debts in pursuance of any Order of the said Court to be made in that Behalf; and in case such Dividend shall be made after such Adjudication the same shall be made amongst the Creditors of such Prisoner whose Debts shall be admitted in his or her Schedule so sworn to as herein-after directed, and amongst such other Creditors (if any) who shall prove their Debts in manner aforesaid, in proportion to the Amount of the Debts so proved, and so admitted and proved respectively, as the Case may be: Provided always, that if any such Prisoner, Creditor, or Assignee shall object in whole or in part to any Debt tendered to be so proved as aforesaid, or to any Debt mentioned in the Schedule of such Prisoner, or if any Person whose Demand is stated in such Schedule, but is not admitted therein to the Extent of such Demand, shall claim to be admitted as a Creditor for the whole of such Demand, or for more thereof than is so admitted, the said Objections and Claims shall, upon Application duly made, be examined into by the said Court, and the said Court may, if deemed fit, refer the Examination of the same to the Chief Clerk or other Officer of the said Court; and the said Court and such Officer to whom such Reference shall have been made shall have full Power, for the Purpose aforesaid, to require and compel the Production of all Books, Papers, and Writings which may be necessary to be produced, as well by the Person claiming such Debt as by such Prisoner, or his or her Assignee or Assignees, Creditor or Creditors, and to examine all such Persons and their Witnesses upon Oath, as the Nature of the Case may require, and to take all other Measures necessary for the due Investigation of such Objections and Claims; and the Decision of the said Court or Commissioner thereupon shall be conclusive with respect to the Title of any such Creditor or Creditors to his, her, or their Share of such Dividend under the Provisions of such Act: Provided always, that if in any Case it shall appear expedient that the Proof of any Debt or Debts should be required to be made at an earlier or other Period than as aforesaid,

Debts to be ascertained, and Dividend made.

How Dividend to be made.

Court may examine into disputed Claims.

it shall be lawful at any Time for the said Court, by such Notice as may be directed in that Behalf, to cause all or any of the Creditors to prove their Debts in such Manner as the said Court or a Commissioner thereof shall require, and to decide upon such Debts, and the Rights to receive Dividends thereupon, and to do all Things requisite thereto as aforesaid.

If Prisoner, or Creditor, or Court dissatisfied with Assignee's Account, the Court may direct Inquiry.

L. And be it 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 such Assignee or Assignees so rendered upon Oath as aforesaid, and it shall appear to the said Court that the Matters of such Account require a fuller or further Examination, or in case any such Assignee or Assignees shall neglect to render such Account, or shall neglect to dispose of the Property or collect the Effects of such Prisoner, or shall in any Manner waste or mismanage the Estate or Effects of such Prisoner, or neglect to make a due Distribution thereof, it shall be lawful for the said Court to require such Assignee or Assignees to render such Account on Oath as is directed by this Act, if not before rendered, and for the said Court to examine or further examine any Account so rendered, and to inquire into any Waste, Mismanagement, or Neglect of the Estate and Effects of such Prisoner, and, if it shall seem fit, to order that it shall be referred to the Chief Clerk or other Officer of the said Court to investigate the Accounts of such Assignee or Assignees so rendered as aforesaid, together with all Matters brought forward in objection thereto, and to examine into the Truth thereof, and to report thereon to the said Court; and it shall and may be lawful for the said Court or such Officer, upon such Reference as aforesaid, to require and compel the Production of all Books, Papers, and Writing necessary for such Purposes, and to summon all Parties before him or them, and to examine all Parties and their Witnesses on Oath, as the Case may require; and the said Court shall and may take all such Measures as shall be necessary for the compelling of the rendering of such Account, and for the due Investigation thereof, and shall have Power to disallow any Charge or Charges in such Account which it shall appear to the said Court ought not in Fairness to be allowed, and to ascertain the Produce of the Estate and Effects of any such Prisoner to be divided among his or her Creditors, and to direct the Distribution thereof, and to take all such Measures and make such Orders as shall be necessary for compelling the proper Disposition and Distribution thereof, and to award Costs against any of the Parties as Justice shall require; and that if it shall appear to the said Court, upon any Examination of such Matters of Account, that any such Assignee or Assignees shall have wilfully retained in his or their Hands, or otherwise employed for his or their own Benefit, any Sum or Sums of Money Part of or being the Produce of such Estate or Effects, the said Court shall have Power and Authority to order such Assignee or Assignees to be charged in his or their Accounts with the Estate of such Prisoner with such Sum or Sums of Money as shall be equal to the Amount of Interest, computed at a Rate not exceeding Twenty Pounds *per Centum per Annum*, on all Sums of Money appearing to the said Court to be so retained or employed by him or them, for the Time

Court may charge Assignee with 20 per Cent. on Money wilfully retained.

or

or Times during which he or they shall have so retained or employed the same; and the said Court shall in pursuance of such Order charge such Assignee or Assignees in their Accounts with such Sum or Sums of Money accordingly; and the Decisions of the said Court upon all such Matters shall be final and conclusive.

Court, at Request of any Creditor, to summon and examine Assignee, Six Months after his Appointment, touching his Receipts and Payments, and to order Payment of Money in his Hands into the Bank of Ireland.

LI. And be it 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 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 Commission, 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 Three 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 such Order to the contrary.

Assignees to pay unclaimed Dividends into Court.

Provisions respecting Money paid into the Bank of Ireland.

LII. And be it 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 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 a 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.

Court may remove Assignees, and

LIII. And be it enacted, That in case any Assignee of the Estate and Effects of any such Prisoner so appointed as aforesaid shall

shall be unwilling to act or to continue to act as such Assignee, or in case of the Death, Incapacity, Disability, Misconduct, or Absence from the Realm of any such Assignee, or other Cause of Unfitness appearing to the said Court, it shall be lawful to and for any Creditor or Creditors of such Prisoner, his or their Executors or Administrators, or for such Prisoner, or in case of his Death for the Heirs, Executors, or Administrators of such deceased 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 Assignee or Assignees herein-before mentioned; and that the said Court shall have Power to remove such Assignees, and to appoint such new Assignee or Assignees, and to compel any Assignee who shall be removed, and the Heirs, Executors, or Administrators of any deceased Assignee, to account for and deliver up to the said Court, or as the said Court shall order, all such Estate and Effects, Books, Papers, Writings, Deeds, and other Evidences relating thereto as shall remain in his or their Hands, to be applied for the Purposes of this Act, and the Decision of the said Court in the Matters aforesaid shall be final and conclusive; and from and immediately after such Appointment of a new Assignee or Assignees, and by virtue of the Order of the said Court in that Behalf, all the Estate, Effects, Rights, and Powers of such Prisoner, vested in any such former Assignee or Assignees, shall become and the same are hereby vested in such new Assignee or Assignees, without any Assignment or Conveyance executed in that Behalf; and every such Removal and Appointment shall be entered of Record in the said Court, and such Notice thereof shall be published as the said Court shall at any Time direct; and Proof of such Removal and Appointment so entered of Record as aforesaid shall be received by such certified Copy thereof as is herein-before directed to be received as Proof of such Order and Appointment as aforesaid made in pursuance of this Act.

appoint new Assignees.

What shall be Evidence of Removal and Appointment.

LIV. And be it enacted, That in case any Assignee or other Person shall disobey any Rule or Order of the said Court, duly made by the said Court for enforcing the Purposes and Provisions of this Act, or made and entered into by the Consent of such Assignee or other Person for carrying into effect the Purposes and Provisions of this Act, it shall and may be lawful for the said Court to order the Person so offending to be arrested and committed as for a Contempt of the said Court, to the Prison of the Marshalsea of the Four Courts, *Dublin*, or to Her Majesty's Prison of *Kilmainham*, or to the Common Gaol of any County, City, or Place where he or she shall be, or where he or she shall usually reside, there to remain, without Bail or Mainprize, until such Person shall have fulfilled the Duty required by this Act, or until the said Court shall make Order to the contrary.

Court to have Power to order the Arrest and Imprisonment of Assignee or other Person disobeying its Order.

LV. And be it enacted, That all Enactments and Provisions in this Act contained concerning the Appointment and Removal of Assignees, and otherwise concerning Assignees, and concerning Debts and Dividends, and the Management and Control of the Estates of Insolvent Debtors, shall be deemed to extend to all Cases which shall or may be of Record in the said Court for the Relief of Insolvent Debtors

Extent of Provisions of this Act in respect to Assignees and to the Estates of Insolvents.

Debtors at the Commencement of this Act, as well as to Cases arising subsequently thereto.

Court may direct Conveyance by Provisional Assignee where no Assignee is appointed.

LVI. And whereas it may often happen that some Interest in Lands and Tenements has or may become vested in the Provisional Assignee of the said Court for the Relief of Insolvent Debtors which appears to be of no Value to Creditors, but nevertheless it may be reasonable and expedient that the Provisional Assignee should make or join in making some Conveyance or Assignment to the same, and that the same should be done without the Expence attending Advertisements and Meetings of Creditors, as herein-before described in certain Cases; be it therefore enacted, That it shall be lawful for the said Court, at any Time after the Day gazetted for the bringing up of any Prisoner to be dealt with according to the Provisions of this Act, if no Person or Persons other than the said Provisional Assignee shall have been appointed Assignee or Assignees of his Estate and Effects, and if it shall appear fit, upon such Notice given by Advertisement or otherwise to the Creditors or any of them, as the said Court shall in any Case direct, to order the said Provisional Assignee to make or join in making any Conveyance or Assignment of any such Interest, as to the said Court may appear just and reasonable, without observing the Provisions of this Act as to the Sale of Real Property by the Provisional or other Assignees of the Estates of Insolvent Debtors.

Schedule to be filed with Books and Papers.

After Order made, the Prisoner to deliver in a Schedule of Debts, Property, &c.

LVII. And be it enacted, That every Prisoner whose Estate shall, by an Order to be made under this Act, be vested in the Provisional Assignee of the said Court for the Relief of Insolvent Debtors (whether upon his own Petition or on the Petition of any such Creditor as aforesaid), shall, within the Space of Fourteen Days next after such Order shall have been made, or next after Notice in Writing of such Order having been made shall have been given to him, in case such Order shall not have been made on his own Petition, or within such further Time as the said Court shall think reasonable, deliver into the said Court a Schedule containing a full and fair Description of such Prisoner, as to his Name or Names, Trade or Trades, Profession or Professions, together with the last usual Place of Abode of such Prisoner, and the Place or Places where he has resided during the Time when his Debts were contracted, and also a full and true Description of all Debts due or growing due from such Prisoner at the Time of making such Order, and of all and every Person and Persons to whom such Prisoner shall be indebted, or who, to his Knowledge or Belief, shall claim to be his 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 Estate and Effects of such Prisoner, Real and Personal, in Possession, Reversion, Remainder, or Expectancy, and also of all Places of Benefit or Advantage held by such Prisoner, whether the Emoluments of the same arise from fixed Salaries, or from Fees, or otherwise, 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 of all Rights and Powers of any

Nature and Kind whatsoever which such Prisoner, or any other Person or Persons in Trust for such Prisoner, or for his Use, Benefit, or Advantage, in any Manner whatsoever, shall be seised or possessed of or interested in or entitled unto, or which such Prisoner, or any other Person or Persons in Trust for him or for his Benefit, shall have any Power to dispose of, charge, or exercise for the Benefit or Advantage of such Prisoner, together with a full, true, and perfect Account of all the Debts, at the Time of making such Order, due or growing due to such Prisoner, or to any Person or Persons in Trust for him or for his 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 growing due, and of the Witnesses who can prove such Debts, so far as such Prisoner can set forth the same; and the said Schedule shall also contain a Balance Sheet of so much of the Receipts and Expenditures of such Prisoner, and of the Items composing the same, as shall be at any Time required by the said Court in that Behalf, and also shall fully and truly describe the Wearing Apparel, Bedding, and other Necessaries of such Prisoner and his or her Family, and the working Tools and Implements of such Prisoner, not exceeding in the whole the Value 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 Schedule shall be subscribed by such Prisoner, and shall forthwith be filed in the said Court, together with all Books, Papers, Deeds, and Writings in any way relating to such Prisoner's Estate or Effects, in his or her Possession, or under his or her Custody or Control: Provided always, that if any Prisoner, whose Estate shall by any such Order of the said Court be vested in such Provisional Assignee on the Petition of any such Creditor as aforesaid, shall neglect or refuse to deliver into the said Court such Schedule as aforesaid within such Time as may be directed by any Order of the said Court in that Behalf, it shall be lawful for such Court, by Warrant, to commit such Prisoner so offending to such Prison as aforesaid, or 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 deliver into such Court such Schedule as aforesaid.

Court to appoint Time and Place for Prisoner to be brought up.

LVIII. And be it enacted, That the said Court for the Relief of Insolvent Debtors shall forthwith, after such Schedule shall have been filed as aforesaid in the said Court by any such Prisoner, appoint a Time and Place for such Prisoner to be brought up before such Court or a Commissioner thereof on his Circuit, to be dealt with according to the Provisions of this Act, and the Time so appointed shall in no Case be more than Four Calendar Months after the Date of such Appointment; and where such Prisoner shall be in any Gaol within the County of *Dublin*, or the County of the City of *Dublin*, the said Court shall order such Prisoner to be brought before the said Court; and where any such Prisoner shall be in any other Gaol in *Ireland*, except in the County of *Dublin* or County of the City of *Dublin*, the said Court shall order such Prisoner to be brought before one of the Commissioners of the said Court proceeding on his Circuit at the Assize Town for the County or County of a City or Town wherein such

Manner of Proceeding before Commissioner on Circuit.

such Gaol shall be situate, as may be directed by the Order of the said Court in that Behalf; 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 Penny 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.

Commissioner may appoint Prisoner to appear before him at any other Place besides the Court House.

LIX. And be it enacted, That in case such Commissioner, upon attending at any Assize Town for the Purposes of this Act, shall see Cause to appoint for the Appearance of such Prisoner before him in any Place within the Precincts thereof, other than the Court House or other Place which may have been appointed by the previous Order of the said Court in that Behalf, it shall and may be lawful for such Commissioner, by an Order to be made in that Behalf, to appoint such other Place within the Precincts of the said Assize Town for such Prisoner to be brought up before such Commissioner; and every such new Order shall be as valid to all Intents and Purposes as if the Place thereby appointed for the Appearance of such Prisoner before such Commissioner had been the Place appointed for that Purpose in the original Order of the said Court in that Behalf.

Proper Court House to be provided.

LX. And be it enacted, That the Sheriff (or his Deputy) of every County, or County of a City or County of a Town, wherein such Commissioner on Circuit shall hold his Sittings for the Purposes of this Act, shall from Time to Time provide that the Court House or other Place appointed for such Sitting shall be duly prepared and made ready for that Purpose; and that such Sheriff (or his Deputy) shall from Time to Time attend such Commissioner during such Sitting; and the necessary Expence of preparing such Court House or other Place shall be paid by the Treasurer of such County, County of a City, or County of a Town, and that the Grand Jury of such County, County of a City, or County of a Town are hereby empowered and required to present the Amount of such Expences at the Assizes next ensuing the Time of every such Sitting.

Notice to be given to Creditors, and advertised.

LXI. And be it enacted, That the said Court for the Relief of Insolvent Debtors shall cause Notice of the making every such vesting Order as aforesaid, and the filing of every such Schedule, and of the Time and Place so as aforesaid appointed for such Prisoner to be brought up, to be given, by such Means as the said Court shall direct, to the Creditor or Creditors at whose Suit any such Prisoner shall be detained in Custody, or the Attorney or Agent of such Creditor or Creditors,

ditors, and to the other Creditors named in the Schedule of such Prisoner, and resident within the United Kingdom, and whose Debt shall amount to the Sum of Five Pounds, and to be inserted in the *Dublin Gazette*, and also, if the said Court shall think fit, in the *Edinburgh* and *London* Gazettes, or either of them, and also in such other Newspaper or Newspapers as the said Court shall direct.

At the Time of Hearing, the Schedule to be examined.

LXII. And be it enacted, That upon such Prisoner being brought up as aforesaid the said Court or Commissioner shall examine into the Schedule of every such Prisoner so brought before the said Court or Commissioner, upon the Oath of such Prisoner and of such Parties and other Witnesses as the said Court or Commissioner shall think fit to examine thereupon; and in case such Notice as the said Court shall direct shall have been given by any Creditor of his Intention to oppose such Prisoner's Discharge, it shall be lawful both for the said Creditor and any other of the Creditors of such Prisoner, and notwithstanding such Creditor or Creditors may have petitioned for and obtained such vesting Order as aforesaid, to oppose such Prisoner's Discharge, and for that Purpose to put such Questions to such Prisoner, and examine such Witnesses, as the said Court or Commissioners shall think fit, touching the Matters contained in such Schedule, and touching such other Matters as the said Court or Commissioner 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 examine or oppose the Discharge of such Prisoner until he shall make Oath or Affidavit of his Debt, or otherwise give satisfactory Proof of his Right to oppose such Prisoner's Discharge, if required so to do by such Prisoner; and that in case the said Court or Commissioner shall entertain any Doubt touching any Matter alleged against such Prisoner at such Hearing to prevent his or her Discharge, or otherwise touching the Schedule or the Examination of such Prisoner, or it shall appear that Amendment is necessary to be made of such Schedule, or in case such Prisoner shall refuse to be sworn, or shall not answer upon Oath to the Satisfaction of the said Court or Commissioner, it shall be lawful for the said Court or Commissioner to adjourn the Hearing and Examination of such Prisoner, and of Witnesses thereupon, to some future Sitting of the said Court or Commissioner, or to some future Circuit to be made by One of the said Commissioners, or (where such Hearing shall be before a Commissioner on Circuit) to some future Sitting of the said Court in *Dublin*; and in every such Case such Prisoner shall, upon such Adjournment, remain in Custody, and shall and may be again brought up, and such Hearing and Examination be further proceeded in, as often as to the said Court or Commissioner shall seem fit: Provided always, that when any such Hearing shall be adjourned, by the said Court generally, or by such Commissioner, to some future Circuit, or to some future Sitting of the said Court in *Dublin* as aforesaid, the said Court shall and may, upon the Application of such Prisoner, to be made within such Time as the said Court shall direct, order the said Prisoner to be brought up for Hearing accordingly, and such Notice thereof shall be given, and to such Parties, as the said Court or Commissioner shall direct.

Creditors may oppose Prisoner's Discharge.

Hearing may be adjourned.

Affidavits may be received in opposition to Prisoner's Discharge in certain Cases.

LXIII. Provided always, and be it enacted, That where any Prisoner, whose usual Place of Abode at or lately before his or her Imprisonment was otherwise than in the County of *Dublin* or County of the City of *Dublin* aforesaid, shall be so brought before the said Court for the Relief of Insolvent Debtors, it shall be lawful for the said Court to receive the Affidavits of any Creditor or Creditors, or other Person or Persons not resident within the County of *Dublin* or County of the City of *Dublin* aforesaid, 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 any Person making or joining in such Affidavits, and to adjourn the Hearing and Examination of such Prisoner until such Interrogatories shall be fully answered to the Satisfaction of the said Court; and where any Prisoner shall be brought before any Commissioner of the said Court on his Circuit, and the usual Place of Abode of such Prisoner at or lately before his or her Imprisonment shall have been other than in the County where such Prisoner shall be brought up, it shall be lawful for such Commissioner to receive the Affidavits of any Creditor or Creditors or other Person or Persons not resident within the County where such Prisoner shall be brought up in opposition to the Discharge of such Prisoner under this Act; and also, if such Commissioner shall think fit, to permit Interrogatories to be filed for the Examination or Cross-examination of any Person making or joining in such Affidavits, and to adjourn the Hearing and Examination of such Prisoner until such Interrogatories shall be fully answered to the Satisfaction of the said Commissioner; and that it shall be lawful for the said Court to summon and compel to attend before it the Wife of any such Prisoner (in like Manner as the said Court is herein-before empowered to compel the Attendance of other Witnesses), and to examine her for the finding out and Discovery of the Estate, Goods, and Chattels of such Prisoner concealed, kept, or disposed of by such Wife in her own Person, or by her own Act, or by any other Person, and she shall incur such Danger or Penalty for not coming before the said Court, or for refusing to be sworn or examined, or for not fully answering to the Satisfaction of the said Court, as would be incurred by any other Person offending in like Manner before the said Court or one of the Commissioners thereof.

Schedule and Prisoner's Accounts may be referred to an Officer of the Court, or an Examiner, who may order Prisoner to attend.

LXIV. Provided always, and be it enacted, That at such Hearing or adjourned Hearing it shall be lawful for the said Court, if it shall appear fit, to order that it shall be referred to the Chief Clerk or other Officer of the said Court to investigate the Accounts of such Prisoner, and to examine into the Truth of his Schedule, and to report thereon to the said Court or Commissioner; and that the said Court may at such Hearing proceed on the other Matters in opposition to the Discharge of such Prisoner, or may, if it shall appear just and reasonable so to do, forthwith adjourn the Hearing thereof until such Officer shall have made his Report; and that upon such Reference being made as aforesaid it shall be lawful for such Officer to order the Attendance of such Prisoner as often as such Officer shall think fit, and the Prisoner mentioned in such Order shall be accordingly carried before such Officer, for which such Order shall be a sufficient

sufficient Warrant; and such Officer shall and may under such Reference administer Oaths and examine all Witnesses and Parties upon their Oaths touching all Matters relating thereto; and that in all Cases where such Reference shall have been made as aforesaid it shall be lawful for the said Court or Commissioner, if just Cause shall appear, to order all the Fees and Expences of such Reference paid by any Creditor or Creditors to be repaid to him, her, or them out of the first Money received by the Provisional or other Assignee or Assignees of such Prisoner from or by his Estate or Effects.

Officer may administer Oaths.

Court may order Expences of Reference to be paid out of Insolvent's Estate.

LXV. And be it enacted, That after such Examination of any such Prisoner as herein-before directed it shall be lawful, at such Hearing or adjourned Hearing as aforesaid, for the said Court or Commissioner, upon such Prisoner's swearing to the Truth of his Schedule, and executing such Warrant of Attorney as is herein-after directed, to adjudge that such Prisoner shall be discharged from Custody, and entitled to the Benefit of this Act, at such Time as the said Court or Commissioner shall direct, in pursuance of the Provisions herein-after contained in that Behalf, as to the several Debts and Sums of Money due or claimed to be due at the Time of making such vesting Order as aforesaid from such Prisoner to the several Persons named in his Schedule as Creditors, or claiming to be Creditors for the same respectively, or for which such Persons shall have given Credit to such Prisoner before the Time of making such vesting Order as aforesaid, and which were not then payable, and as to the future Claims of any Surety or Bail for such Prisoner named in his or her Schedule as a contingent Creditor of such Prisoner, and as to the Claims of all other Persons not known to such Prisoner at the Time of such Adjudication who may be Indorsees or Holders of any negotiable Security set forth in such Schedule so sworn to as aforesaid.

Court, &c. may adjudge a Prisoner to be discharged from Custody and entitled to the Benefit of this Act.

LXVI. And be it enacted, That in all Cases where no Cause shall appear to the contrary it shall be lawful for the said Court or Commissioner, according as it shall seem fit, to adjudge that such Prisoner shall be so discharged and so entitled as aforesaid forthwith, or so soon as such Prisoner shall have been in Custody at the Suit of One or more of the Persons as to whose Debts and Claims such Discharge is so adjudicated for such Period or Periods not exceeding Six Months in the whole as the said Court or Commissioner shall direct, to be computed from the making of such vesting Order as aforesaid.

Court may adjudge Discharge, &c. to be forthwith, or not later than Six Months from the filing of the Petition.

LXVII. And be it enacted, That in case it shall appear to the said Court or Commissioner that such Prisoner has fraudulently, with Intent to conceal the State of his Affairs, or to defeat the Objects of this Act, 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 kept or caused to be kept false Books, or made false Entries in, or withheld Entries from, or wilfully altered or falsified any such Books, Papers, or Writings, or that such Prisoner has fraudulently, with Intent of diminishing the Sum to be divided among his Creditors, or of giving any undue Preference to any of the said Creditors, discharged or concealed

In certain Cases, Discharge, &c. to be at any Period not later than Three Years from petitioning.

concealed any Debt due to or from the said Prisoner, or made away with, charged, mortgaged, or concealed any Part of his Property, of what Kind soever, either before or after the Commencement of his or her Imprisonment, then it shall be lawful for the said Court or Commissioner to adjudge that such Prisoner shall be so discharged and so entitled as aforesaid as soon as he shall have been in Custody at the Suit of some One or more of the Persons as to whose Debts and Claims such Discharge is so adjudicated for such Period or Periods not exceeding Three Years in the whole as the said Court or Commissioner shall direct, to be computed as aforesaid.

In other Cases, the Discharge, &c. to be at any Period not later than Two Years from petitioning.

LXVIII. And be it enacted, That in case it shall appear to the said Court or Commissioner that such Prisoner shall have contracted any of his or her Debts fraudulently, or by means of a Breach of Trust, 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 have fraudulently or by means of false Pretences obtained the Forbearance of any of his Debts by any of his Creditors, or shall have put any of his Creditors to any unnecessary Expence by any vexatious or frivolous Defence or Delay to any Suit for recovering any Debt or Sum of Money due from such Prisoner, or shall be indebted for Damages recovered in any Action for Criminal Conversation with the Wife or for seducing the Daughter or Servant of the Plaintiff in such Action, or for Breach of Promise of Marriage made to the Plaintiff in such Action, or for Damages recovered in any Action for a malicious Prosecution, or for a Libel, or for Slander, or in any other Action for a malicious Injury done to the Plaintiff therein, or in any Action of Tort or Trespass to the Person or Property of the Plaintiff therein, where it shall appear to the Satisfaction of the said Court that the Injury complained of was malicious, then it shall be lawful for such Court or Commissioner to adjudge that such Prisoner shall be discharged and so entitled as aforesaid forthwith, except as to such Debt or Debts, Sum or Sums of Money, or Damages as above mentioned; and as to such Debt or Debts, Sum or Sums of Money, or Damages, to adjudge that such Prisoner shall be so discharged and so entitled as aforesaid so soon as he shall have been in Custody at the Suit of the Person or Persons who shall be Creditor or Creditors for the same respectively for a Period or Periods not exceeding Two Years in the whole, as the said Court or Commissioner shall direct, to be computed as aforesaid.

Discharge may extend to Process for Contempt in Nonpayment of Money, and to Costs incurred by Creditor, but subject to Taxation.

LXIX. And be it enacted, That the Discharge of any Prisoner so adjudicated as aforesaid shall and may extend to all Process issuing from any Court for any Contempt of any Court, Ecclesiastical or Civil, for Nonpayment of Money, or of Costs or Expences in any Court, Ecclesiastical or Civil; and that in such Case the said Discharge shall be deemed to extend also to all Costs which such Prisoner would be liable to pay in consequence or by reason of such Contempt, or on purging the same; and that every Discharge so adjudicated as aforesaid, as to any Debt or Damages of any Creditor of such Prisoner, shall be deemed to extend also to all Costs incurred by such Creditor before the filing of such Prisoner's Schedule in any Action

or

or Suit brought by such Creditor against such Prisoner for the Recovery of the same; and that all Persons, as to whose Demands for any such Costs, Money, or Expences as aforesaid any such Person shall be so adjudged to be discharged, shall be deemed and taken to be Creditors of such Prisoner in respect thereof, and entitled to the Benefit of all the Provisions made for Creditors by this Act, subject nevertheless to such ascertaining of the Amount of the said Demands as may be had by Taxation or otherwise, and to such Examination thereof as is herein provided in respect of all Claims to a Dividend of such Prisoner's Estate and Effects.

Discharge may extend to Sums payable by way of Annuity, &c.

LXX. And be it enacted, That the Discharge of any such Prisoner so adjudicated as aforesaid shall and may extend to any Sum or Sums of Money which shall be 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; and that every Person and Persons who would be a Creditor or Creditors of such Prisoner for such Sum or Sums of Money if the same were presently due shall be admissible as a Creditor or Creditors of such Prisoner for the Value of such Sum or Sums of Money so payable as aforesaid; which Value the said Court shall, upon Application at any Time made in that Behalf, ascertain, regard being had to the original Price given for such Sum or Sums of Money, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the Time of making such vesting Order as aforesaid; and such Creditor or Creditors shall be entitled in respect of such Value to the Benefit of all the Provisions made for Creditors by this Act: Provided also, that it shall not be lawful for any Person entitled to any such Annuity to sue any Person who may be Surety for the Payment of such Annuity until such Annuitant shall, upon Application at any Time made to the said Court in that Behalf, have had the said Annuity valued by the said Court in manner aforesaid; and if such Surety, after such Valuation, duly confirmed by an Order of the said Court or a Commissioner thereof, pay the Amount of such Valuation, he shall be discharged from all Claims in respect of such Annuity; and if such Surety shall not (before any Payment of the said Annuity subsequent to the making of the said vesting Order shall have become due) pay the Amount of such Valuation, he may be sued for the accruing Payments or Gales of such Annuity until such Annuitant shall have been paid or satisfied the Amount of such Valuation, with Interest on the same at the Rate of Five Pounds *per Centum per Annum* from the Time of the making of the said Order confirming such Valuation; and after such Payment or Satisfaction such Surety shall stand in the Place of such Annuitant as a Creditor of such Prisoner, to the Amount in such Valuation so paid or satisfied as aforesaid by such Surety; and the Order for the Discharge of such Prisoner shall be a Discharge to him from all Claims of such Annuitant or of such Surety in respect of such Annuity: Provided always, that such Surety shall be entitled to Credit in account with such Annuitant for any Dividend received by such Annuitant out of the Estate and Effects of such Prisoner before such Surety shall have fully paid or satisfied the Amount so proved as aforesaid: Provided also, that in case such Annuity shall be charged upon or

payable out of any Lands, Tenements, or Hereditaments of such Prisoner, such Annuitant shall not be entitled to have such Annuity valued as aforesaid, or be entitled to prove on the Estate of such Prisoner, or to sue any such Surety as aforesaid, unless such Annuitant shall elect to release all such Lands, Tenements, and Hereditaments from all future or accruing Gales or Payments of such Annuity; and thereupon the said Lands, Tenements, and Premises shall stand charged with the Amount of such Valuation, and be liable to the Payment of the said Sum only, with Interest at the Rate of Five Pounds *per Centum per Annum* until paid: Provided also, that if such Surety shall as aforesaid pay or satisfy the Amount of such Valuation he shall after such Payment and Satisfaction stand in the Place of such Annuitant as a Creditor upon such Lands, Tenements, and Hereditaments to the Amount of such Sum so paid and satisfied, together with Interest at the Rate aforesaid until paid.

Not to prevent Mortgages and other Charges on Lands made prior to vesting Order from taking Effect.

LXXI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to prevent any Mortgage, Charge, or Lien upon any Estate of such Prisoner, or any Part thereof, made prior to the making of such vesting Order as aforesaid, from taking place upon the Lands, Tenements, or Hereditaments or Personal Estate and Effects comprised in or charged or affected by such Mortgage, Charge, or Lien respectively, nor to prevent any Statute Staple, Statute Merchant, Recognizance, or Judgment, acknowledged by or obtained against any such Prisoner prior to the making of such vesting Order as aforesaid, from taking place upon the Lands, Tenements, or Real Estates of such Prisoner, unless in any of the said Cases the Creditor or Creditors having such Mortgage, Charge, Lien, Statute Staple, Statute Merchant, Recognizance, or Judgment shall elect to take and receive any Dividend under this Act in respect of such Debt, and being an Annuity Creditor shall elect to have his Annuity valued as herein-before mentioned; and such Creditor or Creditors shall cause such Election to be entered on the Files of the Court discharging such Prisoner: Provided nevertheless, that no such Creditor who shall not have so made and entered such Election shall be entitled to receive any Dividend under this Act in respect of any Debt so secured, or be admitted a Creditor for the Value of such Annuity as aforesaid.

Court, &c. may order Prisoner to be confined within the Walls of the Prison.

LXXII. And be it enacted, That in all such Cases where it shall be adjudged that any such Prisoner shall be so discharged and so entitled as aforesaid at some future Period, it shall be lawful for the said Court, if it shall seem fit, to direct that such Prisoner shall be confined during any such Period within the Walls of the Prison, and not within any Rules or Liberties thereof.

Court, &c. may order Costs in certain Cases to be paid to opposing Creditors out of the Estate.

LXXIII. And be it enacted, That whenever any Creditor or Creditors opposing any such Prisoner's Discharge shall prove to the Satisfaction of the said Court or Commissioner that such Prisoner has done or committed any Act for which upon such Adjudication as aforesaid he may be liable to remain in such Custody as aforesaid for a Period not exceeding Three Years, to be computed as aforesaid, the said Court or Commissioner shall adjudge the taxed Costs of

such Opposition to be paid to such opposing Creditor or Creditors, out of the Estate and Effects of such Prisoner, by his or her Assignee or Assignees, before any Dividend made thereof; and in all other Cases of Opposition to a Prisoner's Discharge being substantiated or effectual it shall be lawful for the said Court or Commissioner to adjudge in like Manner, if it shall seem fit; and that in case it shall appear to the said Court or Commissioner that the Opposition of any Creditor to any such Prisoner's Discharge was frivolous and vexatious, it shall be lawful for the said Court or Commissioner to award such Costs to such Prisoner as shall appear to be just and reasonable, to be paid by the Creditor or Creditors making such Opposition, which shall be paid accordingly.

Where Opposition frivolous and vexatious, Costs may be awarded to Prisoner.

LXXIV. And be it enacted, That where, upon any Prisoner being brought up before the said Court or a Commissioner thereof on his Circuit, any such Adjudication shall have been made as aforesaid by the said Court or Commissioner, Order shall be made accordingly by the said Court or Commissioner in pursuance of such Adjudication, and the said Court or Commissioner shall also issue a Warrant or Warrants to the Gaoler accordingly, ordering the Discharge of such Prisoner from Custody as to the Detainers under which he or she shall then be confined, or which shall be lodged against him or her before he or she shall be out of Custody, the same being for Debts in respect of which such Adjudication shall have been made; and that every such Order of Adjudication shall take effect as from the Day on which the Adjudication shall have been made in that Behalf; and that every such Adjudication, and Certificate thereof, and Order thereupon, may be made without specifying therein any such Debt or Debts, or Sum or Sums of Money, or Claims as aforesaid, or naming therein any such Creditor or Creditors as aforesaid, excepting so far as shall be necessary in any Case in order to distinguish between the Creditors as to whom any such Prisoner may be adjudged to be so discharged and entitled as aforesaid forthwith, and the Creditors as to whom he may be adjudged to be so discharged and entitled at some future Period: Provided nevertheless, that in all Cases the Detainer or Detainers with respect to which any such Prisoner shall have been adjudged to be discharged out of Custody, he being then in Custody thereupon, shall be specified in the Warrant of the said Court or Commissioner, to be delivered to the Gaoler in that Behalf.

Court or Commissioner to make Order, pursuant to Adjudication, and issue Warrant to Gaoler.

Specification of Debts, &c. not necessary in Order of Adjudication.

LXXV. And be it enacted, That where it shall appear to the said Court or Commissioner at any such Hearing as aforesaid of any such Prisoner that certain Matters or Things ought to be performed by or on behalf of such Prisoner before he is entitled to be actually discharged from Custody, but that nevertheless it is expedient not to adjourn the Hearing of the Case absolutely to some future Occasion, without the Opportunity of such Discharge being sooner had by doing such Things as aforesaid, it shall be lawful for the said Court or Commissioner to pronounce an Adjudication without their issuing the Order and Warrant pursuant thereto, and that such Adjudication may be directed to be conditional on the Performance of such Matters or Things as aforesaid, and that on the Nonperformance thereof the Hearing

Adjudication may be conditional in certain Cases.

Hearing of such Case shall stand adjourned according to the Direction made in that Behalf.

Where Adjudication a Discharg at a future Period, the Prisoner may be detained or arrested, &c. till that Period arrives.

LXXVI. And be it enacted, That in all Cases where the said Court shall adjudge that such Prisoner shall be so discharged and so entitled at some future Period, and shall make an Order of Remand to that Effect, such Prisoner shall be subject and liable to be detained in Prison, under and by virtue of such Order, at the Suit of any One or more of his or her Creditors with respect to whom it shall have been so adjudged and ordered, until such Period shall have arrived, notwithstanding that such Prisoner may not during such Period be otherwise detained or charged in Custody at the Suit of some One or more of such Creditors; and the Gaoler or Keeper of the Prison to which such Prisoner shall be so remanded shall and is hereby required to detain and keep such Prisoner in his Custody in pursuance of such Remand until such Period shall have arrived, for doing which the Order of Remand in such Case shall be his sufficient Warrant: Provided always, that it shall be lawful for any such Creditor, at any Time before such Period shall have arrived, to authorize and empower such Gaoler or Keeper to discharge such Prisoner from Custody at the Suit of such Creditor, in the same Manner and by the same Means as such Creditor might have done if such Prisoner had been arrested and detained or charged in Custody at the Suit of such Prisoner under any Civil Process at his Suit.

Court may order detaining Creditor to pay Prisoner a Sum not exceeding 4*s.* a Week.

LXXVII. And be it enacted, That in all Cases where such Prisoner shall, upon such Adjudication as aforesaid, be liable to further Imprisonment at the Suit of his Creditor or Creditors, or any or either of them, it shall be lawful at any Time for the said Court, on the Application of such Prisoner, to order the Creditor or Creditors at whose Suit he shall be so imprisoned to pay to such Prisoner such Sum or Sums of Money, not exceeding the Rate of Four Shillings by the Week in the whole, at such Times and in such Manner, and in such Proportions, as the said Court shall direct; and that on Failure of Payment thereof as directed by the said Court the said Court shall order such Prisoner to be forthwith discharged from Custody at the Suit of the Creditor or Creditors so failing to pay the same.

Before Adjudication the Prisoner shall execute Warrant of Attorney to confess Judgment for Amount of Debts in Schedule.

LXXVIII. And be it enacted, That before any such Adjudication shall be made with respect to any such Prisoner the said Court or Commissioner shall require such Prisoner to execute a Warrant of Attorney to authorize the entering up of a Judgment against such Prisoner in some One of the Superior Courts at *Dublin* in the Name of the Assignee or Assignees of such Prisoner, or of such Provisional Assignee, if no other Assignee shall have been appointed and shall have accepted such Office, for the Amount of the Debts stated in the Schedule of such Prisoner so sworn to as aforesaid to be due or claimed to be due from such Prisoner, or so much thereof as shall appear at the Time of executing such Warrant of Attorney to be due and unsatisfied; and it shall not be necessary that such Warrant of Attorney should be executed in the Presence of an Attorney for such Prisoner;

Prisoner; and the Order of the said Court for entering up such Judgment shall be a sufficient Authority to the proper Officer for entering up the same; and such Judgment shall have the Force of a Recognizance or a Judgment under this Act; and if at any Time 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 or other Proceeding to be taken out upon such Judgment for such Sum of Money as under all the Circumstances of the Case the said Court shall order, such Sum to be distributed rateably amongst the Creditors of such Prisoner according to the Mode herein-before directed in the Case of a Dividend made after Adjudication; and such further Proceedings shall and may be had upon such Judgment as may seem fit 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 the said 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 any such Prisoner shall appear to the said Court to be ill-founded and vexatious, it shall be lawful for the said Court not only to refuse to make any Order on such Application, but also to dismiss the same, with such Costs against the Party or Parties making the same as to the said Court shall appear reasonable, and the said Costs shall be paid accordingly.

Court may permit Execution to be taken out thereupon, when Insolvent is of Ability to pay, or is dead, leaving Assets.

No Scire facias necessary.

If Application is ill-founded, &c. Court may dismiss the same, with Costs.

LXXIX. And be it enacted, That in case any such Person shall, after he has become entitled to the Benefit of this Act by any such Adjudication as aforesaid, become entitled to or possessed of in his own Right any Stock in the Public Funds of this Country, or other Property, whether the same be in *Ireland* or elsewhere, and such Prisoner shall have refused to convey or assign or transfer such Stock or other Property, or so much thereof as may be sufficient to satisfy the said Judgment, then and in such Case it shall be lawful for the Assignee or Assignees of such Prisoner to apply by Petition in a summary Way, setting forth the Facts of the Case, to the said Court, and to pray that the said Prisoner may be taken and committed to Custody, notwithstanding any such Adjudication and Discharge as aforesaid; 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, due Notice having been given to him, shall not appear, it shall appear to the said Court that the Contents of such Petition are true, then and in such Case the said Court shall so declare and adjudge, and shall thereupon order the said Prisoner to be apprehended, and committed to Custody within the Walls of any Prison which the said Court shall direct, until he shall convey, assign, and transfer such Stock or other Property, or so much thereof as the said Court shall direct, towards the Satisfaction of the said Judgment, to such Assignee or Assignees, for the general Benefit of the Creditors of such Prisoner.

Where Insolvent shall, after Discharge, become entitled to Property which cannot be taken in Execution, the Assignee may apply to Court for Relief.

Court may order Prisoner to be remanded to Custody until he transfers such Property.

Manner of proceeding where, after the Discharge of a Prisoner, any Person shall be possessed of Stock in Public Funds, &c. belonging to him.

LXXX. And be it enacted, That in case any Person or Persons, Body Politic or Corporate, shall, after any such Insolvent shall have become entitled to the Benefit of this Act by any such Adjudication as aforesaid, become or be possessed of, or have under his or their Power or Control, any Stock in the Public Funds of this Country, or any Legacy Money due or growing due, Bills of Exchange, Promissory Notes, Bank Notes, Securities for Money, Goods and Chattels, or any other Property whatsoever belonging to such Insolvent, or held in Trust for him or for his Use and Benefit, or to which such Insolvent shall be in any way entitled, or in case any such Person or Persons, Body Politic or Corporate, shall be at such Preiod in any Manner indebted to such Insolvent, it shall be lawful for the said Court, upon the Application of any Assignee or Creditor of such Insolvent, to cause Notice to be given to such Person or Persons, 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, 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 the Estate and Effects of such Insolvent, for the general Benefit of the Creditors of such Insolvent entitled to claim under such Judgment entered up by Order of the said Court as aforesaid; and such Delivery and Payment shall be made accordingly, in obedience to such Order; and such Person and Persons, Body Politic and Corporate, shall, by such Payment and Delivery so made in pursuance of such Order of the said Court, be discharged in respect of such Property and Debts against all Persons whatsoever, to all Intents and Purposes: Provided also, that nothing herein contained shall be deemed or taken to prevent the said Court from authorizing the Assignee or Assignees of such Prisoner proceeding upon the said Judgment which shall be entered up upon the Warrant of Attorney given by such Prisoner in any Manner by this Act provided for Judgment Creditors against the Estate and Effects of Judgment Debtors.

Persons discharged under this Act not liable to Imprisonment for Debts, &c. to which Adjudication extends.

If arrested, to be released by Judge of the Court from which Process issued, who may order his Costs.

LXXXI. And be it enacted, That no Person who shall have so become entitled to the Benefit of this Act by any such Adjudication as aforesaid shall at any Time thereafter be imprisoned by reason of the Judgment so as aforesaid entered up against him or her according to this Act, unless by the special Order of the said Court, as herein-before mentioned, or for or by reason of any Debt or Sum of Money or Costs with respect to which such Person shall have become so entitled, or for or by reason of any Judgment, Decree, or Order for Payment of the same; but that upon every Arrest or Detainer in Prison upon any such Judgment so entered up as aforesaid, or for or by reason of any such Debt or Sum of Money or Costs, or Judgment, Decree, or Order for Payment of the same, it shall be lawful for any Judge of the Court from which any Writ or Process shall have issued in respect thereof, and such Judge is hereby required, upon Proof made to his Satisfaction that the Cause of such Arrest or Detainer is such as herein-before mentioned, to release such Prisoner from Custody, unless it shall appear to such Judge, upon Inquiry, that such Adjudication

Adjudication as aforesaid was made without due Notice, where Notice is by this Act required, being given to or acknowledged by the Plaintiff in such Writ or Process, or being by him dispensed with by the Acceptance of a Dividend under this Act, or otherwise; and at the same Time, if such Judge shall in his Discretion think fit, it shall be lawful for him to order such Plaintiff, or any Person or Persons suing out such Writ or Process, to pay such Prisoner the Costs which he shall have incurred on such Occasion, or so much thereof as to such Judge shall seem just and reasonable, such Prisoner, in case of his or her having been arrested upon Mesne Process by special Order as herein-before mentioned, causing a Common Appearance to be entered for him in such Action or Suit.

After Discharge, no Execution to issue against Insolvent for Debts, &c. to which Adjudication extends.

LXXXII. And be it enacted, That after any Person shall have become entitled to the Benefit of this Act by any such Adjudication as aforesaid no Writ of Capias ad satisfaciendum, Fieri facias, or other Writ of Execution against the Body, Goods, or Chattels of such Prisoner shall issue on any Judgment obtained against such Prisoner for any Debt or Sum of Money with respect to which such Person shall have so become entitled, nor in any Action upon any new Contract or Security for Payment thereof, except upon the Judgment entered up against such Prisoner according to this Act, and by special Order of the said Court obtained for that Purpose as herein-before mentioned; and that if any Suit or Action shall be brought, or any Scire Facias be issued, against any such Person, his Heirs, Executors, or Administrators, for any such Debt or Sum of Money, or upon any new Contract or Security for Payment thereof, or upon any Judgment obtained against or any Statute or Recognizance acknowledged by such Person for the same, except as aforesaid, it shall be lawful for such Person, his Heirs, Executors, or Administrators, to plead generally that such Person was duly discharged according to this Act by the Order of Adjudication made in that Behalf, and that such Order remains in force, without pleading any other Matter specially, whereto the Plaintiff or Plaintiffs shall or may reply generally, and deny the Matters pleaded as aforesaid, or reply any other Matter or Thing which may show the Defendant or Defendants not to be entitled to the Benefit of this Act, or that such Person was not duly discharged according to the Provisions thereof, in the same Manner as the Plaintiff or Plaintiffs might have replied in case the Defendant or Defendants had pleaded this Act, and a Discharge by virtue thereof, specially.

Discharge under this Act may be pleaded generally.

When Debts are satisfied, the Court may order Warrant of Attorney executed by Prisoner to be cancelled, and Satisfaction to be entered on the Judgment;

LXXXIII. Provided always, and be it enacted, That if at any Time after any such Adjudication as aforesaid shall have been made with respect to any such Prisoner, in pursuance of this Act, it shall appear to the Satisfaction of the said Court for the Relief of Insolvent Debtors that all the Debts in respect of which such Adjudication was made have been discharged and satisfied or otherwise released, it shall be lawful for such Court, upon Application duly made, to direct the Warrant of Attorney executed by such Prisoner under this Act to be cancelled, or, if Judgment shall have been entered up thereon, to order Satisfaction to be entered on such Judgment, and the Order of the said Court for entering up such Satisfaction shall be a sufficient Authority to the proper Officer for entering

and a Reassignment to be executed.

entering up the same; and that if in any Case it shall appear to the Satisfaction of the said Court that, after the Debts of any such Prisoner shall have been so discharged and satisfied or otherwise released as aforesaid, there shall remain in the Possession or vested in or otherwise subject to the Control of his or her Assignee or Assignees any Property of any Kind or Description whatsoever which has come to such Assignee or Assignees, or to which he or they may claim Title by virtue of the Order made in that Behalf, or otherwise, by virtue of his or their Office of Assignee or Assignees it shall be lawful for the said Court, on Application duly made, to order that all such Property so remaining as aforesaid shall be vested in the Person whose Debt shall have been so discharged and satisfied or otherwise released as aforesaid, or his Heirs, Executors, Administrators, or Assigns, and such Order shall have the Effect of vesting the same accordingly; and that any Deed of Release to be recorded in the said Court by which any such Debt or Debts shall be released or discharged shall not be liable to any Stamp Duty.

Where Error in Schedule without Fraud, this Act to operate upon the actual Amount of Debt.

LXXXIV. And whereas it may sometimes happen that a Debt of or Claim upon or Balance due from such Prisoner as aforesaid may be specified in his Schedule so sworn to as aforesaid at an Amount which is not exactly the actual Amount thereof, without any culpable Negligence or Fraud or evil Intention on the Part of such Prisoner; be it enacted, That in such Case the said Prisoner shall be entitled to all and every Benefit and Protection of this Act, notwithstanding such Mistake in the Amount of the said Debt in the said Schedule; and the Creditor in that Behalf shall be entitled to the Benefit of all the Provisions made for Creditors by this Act in respect of the actual Amount of such Debt, Claim, or Balance, and neither more nor less than the same, to all Intents and Purposes, such Error in the said Schedule notwithstanding.

Adjudication and Order to be final, unless obtained on false Evidence, &c., in which Case Court may order a Rehearing.

LXXXV. And be it enacted, That every such Adjudication as aforesaid by the said Court or Commissioner as aforesaid, with respect to any Prisoner, and the Order thereupon so made as aforesaid, shall be final and conclusive, and shall not be reviewed by the said Court, unless the said Court shall thereafter see good and sufficient Cause to believe that such Adjudication has been made on false Evidence, or otherwise improperly made or fraudulently obtained, in which Case it shall be lawful for the said Court, upon the Application of such Prisoner, or of any Creditor of such Prisoner, to order such Prisoner, upon due Notice to be given to such Persons and in such Manner as the said Court shall direct, to attend or to be brought up, and the said Matter to be reheard, before the said Court, or One of the Commissioners thereof on his Circuit, as the Case may require, who shall thereupon rehear the same, and shall and may, if just Cause shall appear, annul the original Adjudication and Order thereupon made in such Case, and shall have the same Powers and Authorities upon such Rehearing as upon any original Hearing in pursuance of this Act, and may adjudicate in such Matter accordingly; and thereupon, in case the former Adjudication in the said Matter shall not be confirmed, such Order, Certificate, and Warrant shall be made

as required by this Act to be made upon such original Adjudication; and the said Court or Commissioner shall and may, if necessary, remand the said Prisoner to the same Custody in which he was at the Time of the former Hearing of the Matters of his Petition, there to be subject to Imprisonment as if the former Adjudication therein had not been made, and thereupon all Detainers which were in force against such Prisoner at the Time of his former Discharge from Custody shall be deemed to be still in force against him as if such former Adjudication had not been made; and the Gaoler or Keeper of the Prison to which such Prisoner shall be so remanded shall and is hereby required to receive such Prisoner into his Custody in pursuance of such Remand, for doing which the Order of Remand in such Case shall be his sufficient Warrant; and where in any Case such Prisoner shall refuse or neglect to appear before the said Court or Commissioner, according to such Order for Rehearing as aforesaid, a Copy whereof shall have been duly served on such Prisoner, it shall be lawful for the said Court to order such Prisoner to be apprehended and committed to Custody in such Prison as the said Court shall direct, and to issue its Warrant accordingly, and to cause such Prisoner to be brought up for Examination as often as to the said Court or Commissioner shall seem fit: Provided always, that where upon such Rehearing it shall appear to the said Court or Commissioner that such Prisoner is not entitled to the Benefit of this Act until some future Period, according to the Provisions herein-before contained, the said Court or Commissioner shall and may, if it shall appear reasonable, adjudge the Discharge of such Prisoner at such future Period, to be calculated without including the Time during which such Prisoner shall have been out of Custody since the Time appointed for his Discharge by such former Adjudication as aforesaid.

Insolvent refusing to appear may be apprehended, &c.

In Adjudication of Discharge or Rehearing, the Time since former Hearing not to be calculated.

LXXXVI. Provided always, and be it enacted, That if in any Case an Order or Warrant for the Discharge of any such Prisoner shall have issued erroneously, and which is not pursuant to the Adjudication made in that Behalf, it shall be lawful for the said Court or Commissioner, on such Error being shown to the said Court or Commissioner, to revoke such Order and Warrant, and to annul, suspend, or amend the same according to such Adjudication, and, if necessary, to recommit such Prisoner to his former Custody, when by such Order or Warrant he shall have been discharged therefrom; and the Gaoler or Keeper of the Prison to whose Custody such Prisoner shall be so recommitted is hereby required to receive such Prisoner into his Custody according to such Recommitment; and all Detainers which were in force against such Prisoner at the Time of such Discharge as aforesaid shall be deemed to be still in force against him, as if such erroneous Order or Warrant had not issued.

Where an Order of Discharge has been issued by Mistake, the Court may revoke and amend the same.

LXXXVII. And whereas the Estate, both Real and Personal, of any Person whose Discharge has been adjudicated under this Act, may not be sufficiently described or discovered in his Schedule so sworn to as aforesaid, or the Assistance of such Person may be necessary to adjust, make out, recover, or manage his Estate or Effects for the Benefit of his Creditors; be it therefore enacted, That it shall be lawful

Prisoner may, after Discharge, be examined as to Estate and Effects, on Application of Assignee.

ful for the Assignee or Assignees of the Estate and Effects of any such Person whose Discharge shall have been adjudicated under this Act, from Time to Time, to apply to the said Court that such Person may be further examined as to any Matters or Things relating to his Estate and Effects, either by the said Court, or a Commissioner thereof on his Circuit; and in case such Person shall neglect or refuse to appear before such Court or Commissioner at such Time and Place as shall be directed by such Order, or appearing shall refuse to be sworn or to answer such Questions as shall be put to him relating to the Discovery of his said Estate and Effects, then and in any of such Cases it shall be lawful for such Court or Commissioner by Warrant to commit such Person to such Prison as aforesaid, or to the Common Gaol of any County or Place, there to remain, without Bail or Mainprize, until such Time as he shall submit himself to the Order of the said Court in that Behalf, and shall answer, upon Oath or otherwise, as shall be required, to all such lawful Questions as shall be put to him in pursuance of the same for the Purposes aforesaid.

Prisoner refusing to appear or to answer Questions may be committed.

Persons wilfully omitting any thing in the Schedule guilty of a Misdemeanor, and liable to 3 Years Imprisonment, and hard Labour.

LXXXVIII. And be it enacted, That in case any Prisoner whose Estate shall, by an Order under this Act, have been vested in the said Provisional Assignee shall, with Intent to defraud the Creditors or Creditor of such Prisoner, wilfully and fraudulently omit in his Schedule, so sworn to as aforesaid, any Effects or Property whatsoever, or retain or except out of such Schedule, as Wearing Apparel, Bedding, Working Tools and Implements, or other Necessaries, Property of greater 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 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; and

Indictment need only set out Substance of Offence charged.

that in every Indictment or Information against any Person for any Offence under this Act it shall be sufficient to set forth the Substance of the Offence charged on the Defendant, without setting forth the Petition or Order vesting such Prisoner's Estate in the Provisional Assignee, Appointment of Assignee or Assignees, or Balance Sheet, Order for Hearing, Adjudication, Order of Discharge or Remand, or any Warrant, Rule, Order, or Proceeding of or in the said Court, except so much of the Schedule of such Prisoner as may be necessary for the Purpose of showing such wilful and fraudulent Omission.

Persons swearing falsely under this Act liable to Punishment inflicted for Perjury.

LXXXIX. And be it enacted, That if any Prisoner or other Person taking an Oath under the Provisions of this Act shall wilfully forswear and perjure himself in any Oath to be taken under this Act, and shall be lawfully convicted thereof, the Person so offending shall suffer such Punishment as may by Law be inflicted on Persons convicted of wilful and corrupt Perjury; and that in all Cases wherein by this Act an Oath is required the solemn Affirmation or Declaration of any Person being a Quaker or other Person by Law allowed to affirm or declare shall and may be accepted and taken in lieu thereof; and that every Person making such Affirmation or Declaration,

ration, who shall be convicted of wilful false Affirmation or Declaration, shall incur and suffer such and the same Penalties as are inflicted and imposed upon Persons convicted of wilful and corrupt Perjury.

Provisions of Act extended to Married Women.

XC. And be it enacted, That the Provisions of this Act shall extend to Married Women being Prisoners within the Intent and Meaning of this Act, but that the Order of the said Court vesting the Estate and Effects of any such Married Woman in such Provisional Assignee as aforesaid shall operate upon all Property, Real and Personal, to which she may be entitled for her separate Use, or over which she shall have any Power of Disposition, notwithstanding her Coverture, or which shall be vested in any Trustees or Trustee or other Person or Persons for her Benefit, and upon all Personal Estate and Effects of which she shall have the actual Possession, except her Wearing Apparel, Bedding, and other such Necessaries, not exceeding in the whole the Value of Fifteen Pounds, and upon all other Real and Personal Estate and Effects to which she shall be entitled in any Manner whatsoever, in Possession, Remainder, or Reversion, subject only to such Right, Title, or Interest as her Husband may have therein, and without prejudicing any Rights of her Husband in such Real and Personal Estate and Effects respectively; and all Provisions in this Act contained touching the Real and Personal Estate of any Prisoner whose Estate shall under this Act be vested in the said Provisional Assignee shall apply to such Real and Personal Estate and Effects respectively, in the same Manner as the same would apply to such Real or Personal Estate and Effects if such Woman had been sole and unmarried, subject only to the Rights of her Husband therein; and such Married Woman shall also execute a Warrant of Attorney to confess Judgment in one of the Superior Courts aforesaid for the Amount of the Debts remaining unpaid from which she shall be so discharged as aforesaid, and such Warrant of Attorney so executed shall be sufficient Authority for entering up Judgment against such Woman accordingly, notwithstanding the Coverture; but such Judgment shall not in any Manner prejudice or affect the Rights of her Husband, except that the same shall be deemed and taken to be her Debt, in case she shall die in the Lifetime of such Husband, to the end that the same may be discharged out of her Personal Assets in a due Course of Administration, or out of her Real Estate (if any) she shall have at the Time of her Death, but without Prejudice to any Estate or Interest of her Husband therein as Tenant by the Courtesy; and in case such Woman shall, during the Lifetime of her Husband, become entitled to any Property for her separate Use, such Judgment may be enforced against such separate Property, by Suit in Equity, or otherwise under the Order of the said Court, for the Purpose of obtaining Payment of so much of the Debts in respect of which such Woman shall have been discharged by the said Court as shall then remain unpaid; and in case such Woman shall survive her said Husband such Judgment may be after his Death enforced against such Woman, or her Property, Real and Personal, in such and the same Manner and with the same Effect as it might have been if she had been sole and unmarried at the Time when she executed such Warrant of Attorney, and at the Time when such Judgment

Judgment shall have been entered up as aforesaid: Provided always nevertheless, that the Discharge of any Married Woman under the Authority of this Act shall not operate to discharge her Husband from any Debt in respect of which his Wife shall be so discharged, but such Debt, so far as the same shall remain unpaid or unsatisfied, shall be chargeable upon and in force against such Husband, as fully to all Intents and Purposes as if his Wife had not obtained such Discharge.

Mode of proceeding with Prisoners of unsound Mind.

XCI. And be it 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 One or more Justice or Justices of the Peace for the County, Division, or Place wherein such Prisoner shall be to attend at the said Prison, and inquire into the State of Mind of such Prisoner; and thereupon, and also in case any such Justice or Justices shall receive Information by other Means that any such Prisoner is of unsound Mind as aforesaid, such Justice or Justices shall go to the said Prison, and by his or their own View, and by Examination on Oath of such Person or Persons as he or they shall think fit to examine, shall inquire into the State of Mind of such Prisoner; and if it shall appear to such Justice or Justices upon such Inquiry that such Prisoner is of unsound Mind, and therefore incapable of taking the Benefit of this Act in such Manner as a Person of sound Mind might do, such Justice or Justices shall forthwith make a Record of the Fact, and certify the same to the said Court; and thereupon it shall be lawful for the said 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 was committed to such Prison, as the said Court shall see fit, that Application will be made to the said Court for the Discharge of such Prisoner on a Day to be specified in such Order and Notice, being Twenty-one Days at least from the Day of Publication of such One of the said Gazette and Newspapers containing such Notice as shall be last published; which Notice, together with the Service of the like Notice on the Creditor or Creditors at whose Suit such Prisoner shall be detained in Custody, or his 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 this Act; and the said Court shall proceed accordingly, and shall discharge such Prisoner from Custody, 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 he or she had been of sound Mind; and thereupon all and every Estate, Right, Title, Interest, in Law and Equity, Real and Personal, Power, Benefit, and Emolument whatsoever, which if such Prisoner was of sound Mind could or ought to be vested in the said Provisional Assignee, pursuant to the

Application may be made by Persons on behalf of such Prisoners.

Court may discharge such Prisoners, and may appoint Assignees.

Provisions of this Act, shall, by force and virtue of the Order of the said Court for the Discharge of such Prisoner, be vested in the Provisional Assignee of the said Court, or in the other Assignee or Assignees appointed by the said Court, and named in the said Order, or in any other Order of the said Court in that Behalf, as fully and effectually, and in the same Manner, and with all and every the same Consequences and Effects, both in Fact and Law, to all Intents and Purposes whatsoever, as if such Prisoner had been of sound Mind, and such Order as aforesaid had been made vesting the same in such Provisional Assignee, at the Time and in the Manner in this Act provided; and that it shall be lawful for the said Court to order Judgment to be entered up against such Prisoner in the same Manner as if he or she had been of sound Mind, and had executed a Warrant of Attorney to authorize the entering up of such Judgment in the Manner herein-before directed; and such Order shall be a sufficient Authority to the proper Officer for entering up the same; and any Dividend to be made by such Assignee or Assignees shall be made in such Manner, and such Proceedings shall be thereupon had, as are herein-before provided in the Case of a Dividend of the Estate and Effects of any Prisoner made before Adjudication; and the Discharge of every such Prisoner of unsound Mind so made as aforesaid shall extend to all Debts and Sums of Money to which the same might have extended if such Prisoner had been of sound Mind, and had duly filed his Schedule according to the Provisions of this Act: Provided always, that every such Order of Discharge, and of the Appointment of an Assignee or Assignees in such Case, shall be entered of Record in the said Court, and Proof thereof shall be received by such Copy thereof as is herein-before directed to be received as Proof of Conveyances and Assignments made in pursuance of this Act.

Court may order Judgment to be entered up.

XCII. And be it enacted, That this Act shall not extend or be construed to extend to discharge any Prisoner with respect to any Debt due to Her Majesty or Her Successors, or to any Debt or Penalty with which he shall stand charged at the Suit of the Crown, or any Person, for any Offence committed against any Act or Acts relative to any Branch 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 such Offence, unless Three of the Commissioners of Her Majesty's Treasury for the Time being shall certify under their Hands their Consent to such Discharge.

This Act not to extend to discharge Crown Debtors, &c. unless Treasury give Consent.

XCIII. And be it enacted, That it shall be lawful for any Person who may now or shall hereafter be imprisoned under or by virtue of any Writ of Capias or Extent 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 Commissioners of Her Majesty's Treasury may not be authorized to give their Consent as last aforesaid, to apply to the Barons of Her Majesty's Court of Exchequer in *Ireland* for his Discharge, giving One Month's previous Notice in Writing to the Surety or Sureties or Person or Persons aforesaid,

Prisoner under Writ of Capias or Extent may apply to the Barons of the Exchequer to be discharged.

aforesaid, or to the Churchwardens or Overseers of the Parish, Ward, or Place at whose Instance or for whose Benefit respectively such Capias or Extent shall remain in force, of the Intention of such Person so imprisoned to make such Application, and an Enumeration and Description of all and every the Property, Debts, and Effects whatsoever of such Person in his own Possession or Power, or in the Possession or Power of any other Person or Persons for his or her Use, and for the said Court to whom such Application shall be made to order such Person to be brought before them, or before any Baron of the said Court, to be examined upon Oath touching and concerning his Property and Effects, and if such Person shall upon such Examination make a full Disclosure of all his Property and Effects, and it shall otherwise appear to the Satisfaction of such Court reasonable and proper that such Person should be no longer imprisoned under such Writ, 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 from such Imprisonment: Provided always, that no such Liberation as aforesaid shall be held or deemed to satisfy or supersede such Extent, or any Proceeding thereon, except as to such Imprisonment as aforesaid, or the Debt or Debts seized under and by virtue thereof, and for which such Person shall be so imprisoned.

Officer of the Court to produce Proceedings and give Copies.

XCIV. And be it enacted, That the proper Officer of the said Court for the Relief of Insolvent Debtors shall, on the reasonable Request of any such Prisoner as aforesaid, or of any Creditor or Creditors of such Prisoner, or his, her, or their Attorney, produce and show to such Prisoner, Creditor or Creditors, and his, her, or their Attorney, at such Times as the said Court shall direct, such Petition, vesting Order, Schedule, Order of Adjudication, and all other Orders and Proceedings made and had in the Matter of such Petition, and all Books, Papers, and Writings filed in such Matter, and permit him, her, or them to inspect and examine the same, and shall provide for any such Prisoner, Creditor or Creditors, or his or their Attorney, or any other Person requiring the same, a Copy or Copies of any such Petition, vesting Order, Schedule, Order of Adjudication, or other Order or Proceeding, or of such Part thereof as shall be so required, receiving such Fee as is herein-before directed to be paid for other Copies of Proceedings in the said Court for so providing the same; and that a Copy of such Petition, vesting Order, Schedule, Order of Adjudication, and other Orders and Proceedings, purporting to be signed by the Officer in whose Custody the same shall be, or his Deputy, certifying the same to be a true Copy of such Petition, vesting Order, Schedule, Order of Adjudication, or other Proceeding, and purporting to be sealed with the Seal of the said Court, shall at all Times be admitted in all Courts and Places whatever as sufficient Evidence of the same, without any other Proof whatever given of the same.

Copies of such Proceedings under Seal to be admitted as Evidence.

Sheriffs, &c. indemnified for obeying Orders of Court.

XCV. And be it enacted, That every Sheriff, Gaoler, Keeper, or other Officer of any Prison who shall do any thing in obedience to any Order of the said Court for the Relief of Insolvent Debtors, or of any Commissioner thereof, or of any Officer of the said Court, by virtue of this Act, shall be and is and are hereby indemnified for whatsoever

whatsoever shall be done by them respectively in obedience thereto; and that if any Action of Escape, or any Suit or Action, be brought against any Judge, Commissioner, Justice of the Peace, Sheriff, Gaoler, Keeper of any Prison, or any Person, for performing the Duty of his Office in pursuance of this Act, such Judge, Commissioner, Justice of the Peace, Sheriff, Gaoler, Keeper of Prison, and other Person may plead the General Issue, and give this Act and the special Matter in Evidence; and if the Plaintiff be nonsuited, or discontinue his or her Action, or a Verdict shall pass against him or her, or Judgment shall be had for the Defendant upon Demurrer, the Defendant shall have Treble Costs.

If Action for Escape, &c. brought, the General Issue may pleaded, and this Act given in Evidence.

XCVI. And be it enacted, That in all Rules, Orders, Warrants, and other Proceedings of the said Court, or of any Commissioner thereof, under this Act, it shall be sufficient to set forth such Rule, Order, or Warrant, or in case of a Warrant for the Apprehension or Detention of any Person for a Contempt in disobeying any Order or Rule of the said Court, or for the Apprehension or Detention of any Person for the Appearance of such Person before the said Court or any Commissioner thereof, according to this Act, or for the enforcing any Rule or Order of the said Court, it shall be sufficient to set forth such Rule or Order, and the Warrant thereon, and that the Insolvent in any Order, Rule, Warrant, or other Proceeding mentioned has been duly discharged under this Act or some other Act for the Relief of Insolvent Debtors, if he has been so discharged, or if he has not been so discharged that he has applied by Petition to the said Court for his or her Discharge from Custody according to the Provisions of this Act, without setting forth in any such Order, Rule, Warrant, or other Proceeding the Petition, Order vesting the Estate of any such Prisoner in the Provisional Assignee, Appointment of Assignee or Assignees, or the Schedule, Balance Sheet, Order for Hearing, Adjudication, Order for Discharge, or any other Rule, Order, or Proceeding of or in the said Court, or any Part thereof, except as aforesaid.

What shall be sufficient to be set forth in the Rules and Proceedings of the Court.

XCVII. And be it enacted, That all Affidavits to be used before the said Court or any Commissioner thereof, or any Officer of the said Court, shall and may be sworn before the said Court or any Commissioner thereof, or any Commissioner appointed by the said Court for the Purpose of taking Affidavits, or any of the Superior Courts of Law, or any Justice of the Peace in his proper Jurisdiction, or any Master Extraordinary in Chancery, or Commissioner for taking Affidavits in any of the Superior Courts of Law in *Dublin*, or any Inspector or Governor of any County Gaol in *Ireland*, or in *England* or *Scotland* before a Magistrate of the County, Division, City, Town, or Place where the said Affidavit shall be sworn, or any Commissioner of the Court for Relief of Insolvent Debtors in *England*, or any Officer of the said Court in *England* authorized to take Affidavits in the said Court in *England*, and the said several Persons are hereby authorized and required to administer the same accordingly.

Beforewhom Affidavits are to be sworn.

XCVIII. And be it enacted, That no Fee whatever shall be taken or received by any Court, Officer, or Person whatsoever for or in respect to the swearing of any Affidavit of the Service of such Order of the said

No Fees payable for swearing Affidavits.

said Court for Relief of Insolvent Debtors in *Ireland* as aforesaid appointing a Time and Place for any such Prisoner as aforesaid to be brought up before such Court, or a Commissioner thereof on his Circuit, to be dealt with according to the Provisions of this Act.

Recovery of Costs.

XCIX. And be it enacted, That in all Cases in which the said Court or any Commissioner thereof is or are by this Act authorized to award Costs against any Person or Persons it shall 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.

Court to admit Attornies to practise therein.

C. And be it enacted, That the said Court for the Relief of Insolvent Debtors shall and may admit, at their Discretion, any Number of fit Persons, being Attornies of any of the Superior Courts at *Dublin*, to practise in the said Court as Attornies on behalf of such Prisoners in such actual Custody as aforesaid, which Admissions shall in all Cases be made without the Payment of any Fee or Gratuity whatsoever, and shall be filed of Record in the said Court as aforesaid; and that in case any Person not so admitted on the Files of the said Court, or having after such Admission been removed from the said Files, or ceased to be an Attorney of any of the Superior Courts at *Dublin*, shall practise in the said Court as an Attorney on behalf of any Prisoner in such actual Custody as aforesaid, he shall be deemed and taken to be guilty of a Contempt of the said Court, and that every Person so guilty of any such Contempt as aforesaid shall be liable to Fine as well as Imprisonment for the same; and it shall and may be lawful for any Person, being sworn and admitted an Attorney in any of the Superior Courts in *Dublin*, and who shall obtain, and produce to the proper Officer of the said Court, his annual Certificate of his having duly paid the Stamp Duty payable by him as such Attorney, as is or may be required by any Act now in force or hereafter to be passed in relation to such Stamp Duty, to practise in the said Court as an Attorney of the said Court; and that in case any Person not so sworn and admitted as last aforesaid, or who shall not have obtained and produced such annual Certificate as aforesaid, shall practise in the said Court as an Attorney on behalf of any Person, he shall be deemed and taken to be guilty of a Contempt of the said Court; and if any Person shall, with or without the Authority or Direction of an admitted Attorney of the said Court, act or undertake to act in any Manner on behalf of such Prisoner in actual Custody, for the Purpose of enabling such Prisoner to obtain his Discharge under this Act, and shall be guilty of wilful Negligence or other Misconduct whatsoever in relation thereto, every such Person so offending shall be deemed and taken to be guilty of a Contempt of the said Court, and shall be liable to be punished for the same accordingly.

Persons not duly appointed, practising as Attornies, guilty of Contempt.

Insertion of Advertisements in Newspapers.

CI. And be it enacted, That all Printers and Proprietors of Newspapers shall and they are hereby required to insert any Advertisement or Advertisements by this Act directed to be inserted in any Newspaper, on Payment of such reasonable Compensation for the

Insertion thereof, and in such Form, as the said Court, or any Commissioner thereof, shall from Time to Time direct.

Proceedings not liable to Stamp Duty nor Sales to Auction Duty.

CII. And be it enacted, That no Letter of Attorney, Affidavit, Certificate, or other Proceeding, Instrument, or Writing whatsoever, before or under any Order of the said Court, or before or under any Order of any Commissioner thereof, nor any Copy thereof, nor an Advertisement inserted in any Newspaper by the Direction of the said Court or a Commissioner thereof, or the Chief Clerk of the said Court, relating to Matters within the Jurisdiction of the said Court, shall be liable to or chargeable or charged with the Payment of any Stamp or other Duty whatsoever; and that no Sale of any Real or Personal Estate of any such Prisoner as aforesaid for the Benefit of his or her Creditors under this Act shall be liable to any Auction Duty.

Court may invest unclaimed Money, and apply Profit towards Expences of the Court.

CIII. And whereas it may happen that Money may remain in the said Court, produced by the Estates and Effects of Insolvent Debtors who have taken the Benefit of this or some other Act for the Relief of Insolvent Debtors, which has not been or may not be claimed by the Assignees or Creditors of such Insolvents; be it enacted, That it shall be lawful for the said Court to cause the same or any Part thereof to be invested in Government Securities, and to apply the Interest and Profit arising therefrom towards defraying the Expences of the said Court: Provided always, that no such Money shall be so invested until the same shall have been in the Hands of the said Court for Twelve Months at the least.

Court empowered, out of Profit arising from unclaimed Money, to direct the Payment of Expences of Prisoners Discharge.

CIV. And be it enacted, That it shall be lawful for the said Court for the Relief of Insolvent Debtors, in its Discretion, to direct that the Expences of applying for and obtaining the Discharge of any Prisoner under this Act, or any Part of such Expences, may and shall be paid out of the Estate and Effects of such Prisoner which may be in the Hands of the Provisional or other Assignee or Assignees under this Act, and if the same shall not be sufficient for that Purpose, then that such Expences, or any Part thereof, may and shall, in Cases where the said Court shall be satisfied that the Prisoner has not the Means of defraying the same, be paid and advanced out of the Interest and Profit arising from any Government Securities upon which any unclaimed Money produced by the Estates and Effects of Insolvent Debtors may be invested; and in every such last-mentioned Case the Estate and Effects of such Prisoner which may then be or may thereafter come to the Hands and be vested in the Provisional or other Assignee or Assignees under this Act shall be liable, in the first place, to repay the Money so advanced and paid; and the said Court is hereby authorized to make such Order or Orders as shall be necessary for the Purpose.

Records of the Court.

CV. And be it enacted, That all the Records, Papers, Documents, and Money of and belonging to or received under the Authority of the said Court now established for the Relief of Insolvent Debtors, and hereby continued as aforesaid, shall from and after the passing of this Act remain and continue in the Custody of the Officers of the said Court now duly having the Custody of the same respectively,

tively, or of such Officer or Officers as the said Court shall at any Time direct to receive the same; and that the said Records shall be deemed and taken to be the Records of the said Court so hereby continued as aforesaid.

Records of the Court for Relief of Insolvent Debtors under former Acts to be delivered into the Custody of the Chief Clerk.

CVI. And be it enacted, That all Records, Documents, and Papers of and concerning Persons discharged 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, or of an Act passed in the Fifty-fourth or of another Act passed in the Fifty-sixth Year of the Reign of His said Majesty, to amend the said Act of the Fifty-third Year, which shall not already have been delivered over, shall immediately after the passing of this Act be delivered over to the Chief Clerk of the said 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 the Records of the said Court.

Construction of Act.

CVII. And be it enacted, That this Act shall extend to Aliens, Denizens, and Women, both to make them subject thereto and to entitle them to all the Benefits given thereby; and that whenever this Statute hath used Words importing the Singular Number or the Masculine Gender only it shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and that this Act shall not extend either to *Scotland* or *England*, except where expressly mentioned.

Commencement of Act.

CVIII. And be it enacted, That this Act shall, as to all Matters not otherwise provided for, commence and come into operation on the First Day of *November* in the Year One thousand eight hundred and forty.

Act may be amended this Session.

CIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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