Works extended for 3 Years.

Act authorized and required to be made and executed shall be and the same is hereby extended for the further Term of Three Years, to be computed from the Expiration of the said Term of Five Years by the said last-recited Act limited for such Purposes as aforesaid.

The Powers given by the first-recited Act to cease at the End of the said Term, save as to Works certified by Justices of Kerry to have been completed.

II. Provided always, and be it enacted, That in case the said Canal and other Works by the said first-recited Act authorized to be made and executed shall not be made and completed within the said Term of Three Years, to be computed from the Expiration of the said Term of Five Years by the said last-recited Act limited for such Purposes as aforesaid, then from and after the Expiration of the said Term of Three Years all the Powers, Authorities, and Privileges by the said first-recited Act given to or conferred upon the said Commissioners for making such Canal, and the several Works, Matters, and Things belonging thereto or connected therewith, shall cease and determine, save only and except as to so much of the said Canal and other Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Kerry* assembled at any Quarter Sessions of the Peace to be holden for the said County at any Time before the Expiration of the said Term of Three Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of any One or more Witness or Witnesses upon Oath to be produced before them for that Purpose.

CAP. XLVII.

An Act to amend an Act of the last Session, for continuing and amending the Laws for the Relief of Insolvent Debtors in *Ireland*. [21st *June* 1841.]

3&4 Vict. c. 107.

'WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to continue and amend the Laws for the Relief of Insolvent Debtors in* Ireland, it was among other things enacted, that the Commissioners of the Court for the Relief of Insolvent Debtors in *Ireland* for the Time being should and might, by One or more Commission or Commissions under the Seal of the said Court, from Time to Time as Occasion should require, empower such and so many fit and proper Persons as they should think necessary, in all and every the Assize Towns of *Ireland*, to take and receive all and every the Recognizance and Recognizances of Sureties into which any Person might be willing to enter for the due Appearance of Insolvent Debtors, according to such several and respective Recognizances and in such Form as the said Court, in pursuance of the said recited Act, should and might direct and require: And whereas it is just and expedient that the Persons so empowered and hereafter to be empowered to take and receive such Recognizances of Sureties as aforesaid shall be paid a reasonable Compen-

' sation

'sation for the taking and receiving thereof;' 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 Person or Persons so empowered or hereafter to be empowered shall, for the taking of every such Recognizance of Sureties, receive the Sum or Fee of Two Shillings and Sixpence, and no more.

A Fee of 2*s.* 6*d.* may be charged for taking a Recognizance.

II. And be it enacted, That after any Insolvent shall have filed his Petition and Schedule in the said Court according to the Provisions of the said recited Act, it shall be lawful for the said Court, if it shall so think fit, (notwithstanding that no Order may have yet been made under the said Act directing such Insolvent to be brought up in order to be dealt with according to the Provisions thereof,) 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 such Time and Place as shall be thereafter fixed by the said Court 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 such Recognizance shall be as valid and effectual to all Intents and Purposes, and it shall be lawful for the said Court to do all such Acts, and make all such Orders in relation thereto, and to the Forfeiture thereof, if the same shall be forfeited, as if the Time and Place for the Hearing of the Petition of such Insolvent had been theretofore fixed by the said Court, and specified in the Condition of such Recognizance.

Court may direct an Insolvent, not ordered to be brought up, to be discharged on finding Two Sureties.

III. 'And whereas it is not just or reasonable that any Insolvent who shall have petitioned according to the Provisions of the said recited Act shall be deprived of the Benefit thereof, by reason of any Order for his Discharge given by his detaining Creditor or Creditors without the Will or Consent of such Insolvent;' be it therefore enacted, That if at any Time after the filing of the Petition of any such Insolvent, and previous to the final Adjudication of the said Court in the Matter of such Petition, any Order of Discharge shall be given by any detaining Creditor or Creditors of such Insolvent (whether such Insolvent shall be then in actual Custody, or at large on Recognizance of Sureties), such Order of Discharge shall be void and of no Effect, if such Insolvent shall, on the same being notified to him, forthwith signify to the Gaoler in that Behalf his Desire that such Order of Discharge shall be so void; and in such Case such Insolvent shall and may be brought up, or duly appear, (as the Case may be,) to be dealt with according to the Provisions of the said recited Act, to all Intents and

Order of detaining Creditor for Discharge of Insolvent shall be void, if the Insolvent shall signify to the Gaoler his Desire to that Effect.

and Purposes as if no such Order of Discharge had been given by such detaining Creditor or Creditors as aforesaid.

Provision for taking Bail while Commissioners are absent on Circuit or during Adjournments.

IV. 'And whereas Provision is made in and by the said 'recited Act for the occasional Absence of the Two Commis- 'sioners of the said Court on Circuit at different Places at 'the same Time, and for the Adjournment of the said Court 'for that Purpose, and also for the occasional Adjournments 'of the said Court during the Period between the last Day 'of *Trinity* Term and the First Day of *November* in every 'Year: And whereas it is expedient that any Insolvent who 'shall have petitioned the said Court for Relief according 'to the Provisions of the said recited Act shall not, by 'reason of any such Absence or Adjournment as aforesaid, 'be delayed in obtaining his Discharge out of Custody on 'his finding such Sureties to enter into such Recognizance 'as in the said recited Act or in this Act is mentioned;' be it therefore enacted, That if the said Two Commissioners of the said Court shall at any Time be so absent as aforesaid from the said Court on Circuit at different Places at the same Time, or if the said Court shall at any Time be adjourned, in pursuance of the Provisions of the said recited Act, during the said Period between the last Day of *Trinity* Term and First Day of *November* in any Year, it shall be lawful for any fit Person, being a Barrister-at-Law, and appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to execute the Duties and Functions of such Commissioners during such Absence or Adjournment, so far as such Duties and Functions relate to the directing any Insolvent to be discharged out of Custody, on his finding such Sureties to enter into such Recognizance as in the said recited Act or this Act is mentioned; and that all Things done according to the Provisions of the said recited Act or of this Act by such Person so appointed as aforesaid during such Absence or Adjournment, so far as the same shall relate to the directing such Discharge of any Insolvent out of Custody as aforesaid, shall be good and valid to all Intents and Purposes as if the same had been done by the said Commissioners of the said Court or either of them: Provided always, that it shall be lawful for the said Commissioners or either of them, being present in *Dublin*, to execute all such Duties and Functions as aforesaid during any Adjournment of the said Court.

Act may be amended, &c.

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