ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

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C A P. XLVII.

An Act to authorize His Majesty to give further Powers to the Judges of the Court of Bankruptcy, and to direct the Times of sitting of the Judges and Commissioners of the said Court.

[28th *August* 1833.]

WHEREAS by an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws for the Relief of the Insolvent Debtors in* England, it is amongst other Things enacted, that the Court established for the Relief of Insolvent Debtors in *England* shall be continued, and that the several Persons appointed by His Majesty to be Chief and other Commissioners of the said Court shall continue to be the Chief and other Commissioners of the said Court, with all the Powers, Privileges, and Authorities in the said Act specified: And whereas by an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to establish a Court in Bankruptcy*, it is enacted, that it shall be lawful for His Majesty, His Heirs and Successors, by a Commission under the Great Seal, to appoint One Person to be the Chief Judge and Three other Persons to be other Judges of the said last-mentioned Court: And whereas such Chief and other Judges have been duly appointed under and by virtue of the said Act: And whereas it has been found, that consistently with the Vacation

7 G. 4. c. 57.

1 & 2 W. 4. c. 56.

necessarily allowed to the Commissioners of the first-mentioned Court, and with the Time occupied by them while they are on their several Circuits, Intervals occur in their Sittings during which Prisoners who would otherwise be entitled to their Discharge cannot obtain the same: And whereas there are not a sufficient Number of such Commissioners to enable them to extend their Circuits to the Principality of *Wales;* of all which Grievances repeated Complaints have been made: And whereas the Business of the said Court of Bankruptcy will allow Time for the Judges of the said Court, other than the Chief, some One or more of them, to discharge Part of the Duties vested in the Commissioners of the said first-mentioned Court: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for His Majesty, His Heirs and Successors, from Time to Time, by Commission under the Great Seal of *Great Britain*, to authorize and direct the Judges of the said Court of Bankruptcy, other than the Chief Judge, any One or more of them, to act in the said first-mentioned Court as a Commissioner or Commissioners thereof, at such Times and for such Purposes as may in any such Commission be specified.

His Majesty may direct the Judges, other than the Chief, of the Bankruptcy Court, to act in the Insolvent Debtors Court.

II. And be it further enacted, That the said Judge or Judges so to be named in the said Commission shall have and may exercise all the Powers, Authorities, and Privileges, whether in the Court House of the said first-mentioned Court, or upon the Circuit, or elsewhere, which by the said first-recited Act are given to or vested in the Commissioners of the said first-mentioned Court, or any One or more of them.

Such Judges to have the same Powers as the Commissioners of the Insolvent Debtors Court.

III. And be it further enacted, That it shall and may be lawful for the said first-mentioned Court forthwith, after such Petition and Schedule as are by Law required shall have been filed in the said Court by any Prisoner lawfully entitled so to do, being in any Gaol within the Principality of *Wales*, to order such Prisoner to be brought before One of the Commissioners of the said first-mentioned Court or Judges of the said Court of Bankruptcy (acting by virtue of this Act) proceeding on his Circuit at such Assize or other Town or Place within the County or County of a City or Town wherein such Gaol shall be situate, as may be directed by Order of the said first-mentioned Court in that Behalf; and the Matters of the Petition of such Prisoner shall be heard by such Commissioner or Judge accordingly, who shall for that Purpose have and exercise all the Powers, Authorities, and Privileges which are by Law now vested in such Commissioners severally on Circuit in *England:* Provided always, that nothing herein contained shall be construed to prevent the said first-mentioned Court from ordering any such Prisoner to be brought before the Justices of the Peace in the said Act mentioned in Cases where the said Court may see fit so to do; and that the Matters of any such Petition may be heard by such Justices, and all other Proceedings had therein, in manner directed by the said first-recited Act.

Insolvent Court empowered to order Prisoners to be brought before One of the Commissioners or Judge of the Court of Bankruptcy.

Clerks of the Peace of Principality of Wales to bring to the Place of hearing Petitions, the Duplicate of Petition, Schedule, &c.

IV. And be it further enacted, That the Clerks of the Peace for the several Counties within the Principality of *Wales*, or their Deputies, shall bring to the Place of hearing of any Petition of any such Prisoner before such Judge or Commissioner the Duplicate of Petition, and Schedule, Books, Papers, and Writings lodged with him, as by the said first-recited Act the Clerks of the Peace in *England* and their Deputies are required to do before the Commissioners going Circuits in *England*; and that such Clerks of the Peace in *Wales*, or their Deputies, shall do all such other Acts at the Times of such Hearings, and be entitled to such Fees and Allowances, as are required of or allowed to Clerks of the Peace in *England* and their Deputies.

Treasury may direct Payment of travelling Expences of Judges, &c.

V. And be it further enacted, That it shall and may be lawful for the Lord High Treasurer or Lords Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *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 Judge or Judges, with their or his Registrar or Deputy Registrar, and other necessary Officers, in the Execution of their Duties under this Act.

Court of Review may direct Registrars or Deputy Registrars to attend the said Judges.

VI. And be it enacted, That it shall and may be lawful for the Court of Review in Bankruptcy to order and direct any One or more of the Registrars or Deputy Registrars of the said Court of Bankruptcy to attend any One or more of the said Judges in the Discharge of their Duties under this Act, and to give such Attendance and perform such Duties as the said Court of Review may by any Order direct.

Powers given to His Majesty with respect to the Court of Bankruptcy.

VII. And be it further enacted, That it shall be lawful for His Majesty, His Heirs and Successors, by Warrant under His Royal Sign Manual, from Time to Time to authorize any One or more Judge or Judges of the said Court of Bankruptcy to exercise the same Jurisdiction and Powers in all respects as by the said secondly-recited Act is and are given to any Three of such Judges; and also by any such or the like Warrant to direct at what Times the said Court of Review, and the Judges or Commissioners of the said Court of Bankruptcy, and every of them, shall respectively hold their Sittings.

Court of Review may make Orders as to taxing of Costs.

VIII. And be it further enacted, That it shall and may be lawful for the said Court of Review to order that any Costs, which by the said secondly-recited Act are directed to be taxed by one of the Masters of the High Court of Chancery, shall and may be taxed by one of the Registrars or Deputy Registrars of the said Court of Bankruptcy.

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