ANNO PRIMO

VICTORIÆ REGINÆ.

****

C A P. XLVIII.

An Act to appoint a Second Commissioner of Bankrupt in *Ireland;* and to amend an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts in* Ireland. [12th *July* 1837.]

WHEREAS by an Act passed in the last Session of Parliament in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts in* Ireland, it was enacted, that it should be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to appoint a fit and proper Person, being a Barrister at Law of not less than Ten Years standing at the Bar, to be the Commissioner in all Commissions of Bankrupt to be issued pursuant to the said recited Act, and to be called the Commissioner of Bankrupt, which Commissioner so to be appointed should hold his Office during good Behaviour; and that all Commissions of Bankrupt issued under the Great Seal of that Part of the United Kingdom called *Ireland*, by virtue of said recited Act, should be issued to the said Commissioner; and that there should be paid and payable out of the Monies standing to the Bankruptcy and Compensation Fund Account to the Commissioner of Bankrupt to be appointed by virtue of said recited Act the yearly Sum of One thousand five hundred Pounds by Four Quarterly Payments as therein mentioned: And whereas *John Macan* Esquire, one of Her Majesty's Counsel at Law, was duly appointed the Commissioner of Bankrupt under the said recited Act, and it has been found that the Business of the Court of the

6 & 7 W. 4. c. 14.

5 Q said

said Commissioner of Bankrupt and of Matters in Bankruptcy therein cannot be discharged by One Commissioner, and that the Public Service requires that a Second Commissioner of Bankrupt should be appointed for the due Discharge of said Business: 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 it shall and may be lawful for Her Majesty, Her Heirs and Successors, by Commission under the Great Seal of *Ireland*, to appoint a fit and proper Person, being a Barrister at Law of not less than Ten Years standing at the Bar, to be a Commissioner of Bankrupt in *Ireland*, and to be called the Second Commissioner of Bankrupt, which said Second Commissioner so to be appointed shall hold his Office during good Behaviour, notwithstanding the Demise of Her Majesty (whom God long preserve) or any of Her Heirs and Successors: Provided always, that it may be lawful for Her Majesty, Her Heirs and Successors, to remove such Second Commissioner upon the Address of both Houses of Parliament.

Her Majesty may appoint a Second Commissioner.

II. And be it enacted, That such Second Commissioner, before he shall be capable of acting in the Execution of any of the Powers and Authorities given him by virtue of this Act and the said recited Act, shall take the Oath in the said recited Act contained and directed to be taken by the Commissioner of Bankrupt under the said recited Act; and that all Commissions of Bankrupt to be issued under the Great Seal of that Part of the United Kingdom called *Ireland* shall be issued to both said Commissioners; provided however, that each of the said Commissioners shall have full Power, Jurisdiction, and Authority to proceed in the Execution of any Commission in the Absence of the other, as fully and effectually to all Intents and Purposes as if such Commission was directed to him alone; and every Act of any One Commissioner in the Absence of the other shall be as valid as if done by both, save only that it shall not be lawful for any One Commissioner without the Consent of the other to rescind any Order made by the other when sitting alone.

Oath of Second Commissioner.

All Commissions to be issued to both.

Full Power to either Commissioner to act alone.

III. And be it enacted, That the said Second Commissioner to be appointed under this Act shall have, as well in all Commissions now subsisting as in those to be hereafter issued, all and every the Rights, Powers, Jurisdiction, and Authority, and be subject to all the Duties of any Commissioner appointed or to be appointed under the said recited Act, and that all and every the Enactments, Clauses, and Provisions of the said recited Act shall extend and be applied to the said Second Commissioner of Bankrupt, to all Intents and Purposes whatsoever, as fully and effectually as if such Second Commissioner were appointed under the said recited Act.

The Second Commissioner to have all the Powers, &c. of Commissioner under 6 & 7 W. 4. c. 14.

IV. And be it further enacted, That upon the Death, Resignation, or Removal of the First Commissioner already appointed or to be appointed under the Powers of the said Act it shall not be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to appoint any Person to be the First Commissioner

Her Majesty may appoint First Commissioner when Vacancy may occur.

sioner in place of such First Commissioner so dying, resigning, or removed, but it shall and may be lawful for Her Majesty, Her Heirs and Successors, by Commission under the Great Seal of *Ireland*, to appoint a fit and proper Person, being a Barrister at Law of not less than Ten Years standing at the Bar, to be a Commissioner of Bankrupt in *Ireland*, and to be called the First Commissioner of Bankrupt, and to exercise all the Duties, and to have all the Rights, Incidents, and Privileges, specified in the said recited Act with respect to the Commissioner of Bankrupt whom the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being were by the said recited Act authorized to appoint.

First Commissioner to hold his Office notwithstanding Demise of Her Majesty.

V. And be it further enacted, That the First Commissioner already appointed, or any other First Commissioner appointed upon his Death, Resignation, or Removal, shall hold his Office notwithstanding the Demise of Her Majesty (whom God long preserve) or any of Her Heirs and Successors, and shall not be removed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, any Law or Statute to the contrary notwithstanding: Provided always, that it may be lawful for Her Majesty, Her Heirs and Successors, to remove such First Commissioner or such other Commissioner upon the Address of both Houses of Parliament.

Salary of 1,500*l.* to be paid to the Second Commissioner.

VI. And be it further enacted, That from and after the Appointment of said Second Commissioner there shall be paid to him and his Successors in Office, out of the Monies standing to the Bankruptcy and Compensation Fund Account, the yearly Sum of One thousand five hundred Pounds, the which said Sum shall be paid at the same Times and in like Manner as the Salary provided by said recited Act is directed to be paid to the Commissioner thereby appointed; and the Commissioner appointed by virtue of this Act, or his Executors and Administrators, shall be entitled to the like proportional Part of his Salary, in the event of his Removal, Resignation, or Death, as is provided by said recited Act for said Commissioner thereby appointed.

4*l.* to be paid for every Sitting before the Commissioners.

VII. And be it enacted, That in lieu of the Fee of Three Pounds Sterling payable by the said recited Act for every Sitting under any Commission there shall be paid for every Sitting under any Commission before either of said Commissioners the Sum of Four Pounds Sterling, to be paid or abated as in said recited Act is provided with reference to the said former Fee of Three Pounds.

Power to appoint Assistant Registrar.

VIII. And be it enacted, That it shall and may be lawful for the Lord Chancellor of *Ireland*, if he shall think it necessary for the proper Discharge of the Business of the Court of said Commissioners, to appoint some proper Person to act as Assistant Registrar of said Court, and to direct that a Salary not exceeding Three hundred Pounds *per Annum* shall be paid to him out of the said Bankruptcy and Compensation Fund, and from Time to Time to remove such Assistant Registrar if he shall think fit, and on his Removal, or on his Resignation or Death, to appoint another Person in his Place.

IX. And

Repeal of Provision as to Messengers suing out Commissions of Bankruptcy, &c. Provision in lieu thereof.

IX. And whereas it is by the said recited Act enacted, that any Person or Persons acting as Messenger or Messengers and who shall issue any Commission of Bankruptcy, or when issued out shall act as Agent in such Commission, shall from such Time be considered incapable for ever after of holding the Office of Messenger in any Commission of Bankrupt; be it enacted, That the said last-recited Enactment be and the same is hereby repealed.

X. And be it enacted, That if any Messenger or Messengers shall sue out or prosecute any Commission of Bankrupt, or shall act as Agent in any Commission of Bankruptcy, he or they shall from such Time be incapable for ever after of holding the Office of Messenger in any Commission of Bankrupt; and every Messenger shall, before the Commissioner executes his Warrant of Seizure to him, take before the Commissioner the Oath required by the said recited Act.

Attorney General may sue for Penalties for taking unlawful Fees, &c.

XI. And be it further enacted, That if any Person shall take any Fee, Emolument, Gratuity, Sum of Money, or Thing of Value contrary to the Provisions of the said recited Act, such Person so offending shall be subject and liable to all the Penalties and Forfeitures enacted by the said Act, and may be prosecuted either by Information at the Suit of Her Majesty's Attorney General or by Criminal Information before Her Majesty's Court of Queen's Bench, or by Indictment.

Persons imprisoned under Provisions of Acts for Riots, &c. in Court, not to be prosecuted by Attorney General.

XII. And be it further enacted, That no Person who under the Provisions of the said recited Act and of this Act shall be punished or liable to be punished by Imprisonment for Riot or Disturbance in any Court held by any Commissioner or Commissioners of Bankrupt, or for interrupting in any such Court the Commissioner in the Exercise of his Duty, shall be prosecuted for such Offence or Offences by Information at the Suit of Her Majesty's Attorney General or by Criminal Information before Her Majesty's Court of Queen's Bench, or by Indictment; any thing in the said recited Act to the contrary notwithstanding.

Commissions not to abate on Demise of the Crown.

XIII. And be it enacted, That no Commission of Bankrupt heretofore issued, or which shall hereafter be issued, shall be deemed to have abated or shall abate by reason of the Demise of the Crown, or by the Removal, Death, or Resignation of the Commissioner or Commissioners named therein; and when the Commissioner or Commissioners named in any such Commission shall die, resign, or be removed his or their Successor and Successors in Office for the Time being shall execute such Commission.

Commencement of Act. Act may be altered.

XIV. And be it enacted, That this Act shall commence and take effect on and from and after the Fifteenth Day of *July* One thousand eight hundred and thirty-seven; and that this Act may be repealed, altered, or amended during this present Session of Parliament.

LONDON: Printed by George Eyre and Andrew Spottiswoode, Printers to the Queen's most Excellent Majesty. 1837.