Exemption from Act of foreign attachment.

25. Nothing in this Act contained shall affect the custom of foreign attachment as exercised by any competent court, or the proceedings in relation to such custom.

PART IV.

Abolition of Imprisonment for past Debts.

On and after 1st day of August 1877 provisions of Part I. to apply to debts contracted before passing of Act.

26. On and after the first day of August one thousand eight hundred and seventy-seven the provisions of Part I. of this Act shall extend and apply to every person making default in payment of a debt contracted before the passing of this Act, and to every person making default in payment of any debt or instalment of any debt due from him in pursuance of any judgment, decree, or order recovered or made in respect of a debt contracted before the passing of this Act, and to every debt contracted before the passing of this Act, and to every judgment, decree, or order recovered or made in respect of a debt contracted before the passing of this Act.

Discharge of persons in custody on 1st August 1877.

27. Where any person shall on the first day of August one thousand eight hundred and seventy-seven be in custody in pursuance of a writ, attachment, or other process in any case in which he would not be liable to be arrested or imprisoned after that day, such person shall on the said day be discharged from such custody without payment of any fees, but his arrest, imprisonment, or discharge shall not affect the creditor's rights or remedies for enforcing the payment of any money due to him, or deprive the creditor of the benefit of any charge or security on any property of the debtor.

When on or prior to the first day of August one thousand eight hundred and seventy-seven special bail shall have been given in any action the defendant in which after the said day cannot be imprisoned on making default in satisfying the judgment recovered against him in such action, the condition of such bail, instead of being that the judgment shall be satisfied or the defendant rendered to prison, shall be deemed to be that the defendant shall not go out of Ireland without leave of the court.

CHAPTER 58.

An Act for the Amendment of the Law of Bankruptcy in Ireland.

[6th August 1872.]

WHEREAS it is expedient to amend the laws relating to bankruptcy and insolvency in Ireland:

Be it 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, as follows:

Preliminary.

Construction of Act with 20 & 21 Vict. c. 60., and short title.

1. This Act shall be construed together with so much of "The Irish Bankrupt and Insolvent Act, 1857," as is not hereby altered or repealed, as one Act, and may be cited for all purposes as "The Bankruptcy (Ireland) Amendment Act, 1872."

Limits of Act.

2. This Act shall not, except in so far as same is expressly provided, apply to England or Scotland.

Commencement of Act.

3. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-three, which date is herein-after referred to as "the commencement of this Act."

Interpretation of terms.

4. In this Act, if not inconsistent with the context, the following terms shall have the meanings herein-after respectively assigned to them; that is to say,

"The Court" shall mean the Court of Bankruptcy and Insolvency in Ireland, as constituted under "The Irish Bankrupt and Insolvent Act, 1857," and as altered in its title by this Act, and shall mean also and include any judge or judges of the Court of Bankruptcy in Ireland constituting and acting as a Court under the said Act or this Act:

"Prescribed" shall mean prescribed by rules of court to be made as in this Act provided:

"Arranging debtor" shall mean a person who has presented a petition for arrangement with his creditors, under the provisions of "The Irish Bankrupt and Insolvent Act, 1857," as amended by this Act:

"The said Act" shall mean "The Irish Bankrupt and Insolvent Act, 1857:"

"Trader" shall mean any one of the persons mentioned in section ninety of "The Irish Bankrupt and Insolvent Act, 1857:"

"Secured creditor" shall mean any creditor holding any mortgage, charge, or lien on the debtor's estate, or any part thereof, as security for a debt due to him.

Repeal of portions of 20 & 21 Vict. c. 60. as in schedule (A.)

5. From and after the commencement of this Act the several sections of "The Irish Bankrupt and Insolvent Act, 1857," mentioned in the schedule (A.) hereto annexed, and the several parts of sections in the said Act relating to the practice and procedure and powers of the Court in insolvency, and to the assignees, creditors, debts, property, allowances, and offences of insolvents, shall be repealed, except so far as said sections, and parts of sections, or any of them, repeal any former Act, or any part of an Act, and except also so far as may be necessary for the purpose of supporting and continuing any proceedings taken or to be taken after the commencement of this Act on any petition or order in bankruptcy or insolvency, filed or made before the commencement of this Act: Provided always, that such repeal shall not be construed to lessen or affect any right to which any person may, at the time of such repeal, be entitled under the said sections, or any of them; or to lessen any liability or obligation then existing thereunder; or to affect any principle or rule of law derived from any of the said sections; nor shall this repeal interfere with the prosecution, or affect the course of any legal proceeding pending in bankruptcy or insolvency, or otherwise, under any of said sections, before the commencement of this Act; but, subject to the provisions of this Act, and "The Debtors Act (Ireland), 1872," such proceedings shall be prosecuted as if this Act had not been passed; nor shall this repeal interfere with the institution or prosecution of any proceeding in respect of any offence committed against, or any penalty or forfeiture incurred under any section of the said Act hereby repealed.

The Court of Bankruptcy and the Officers thereof.

Change in title of court.

6. From and after the commencement of this Act "The Court of Bankruptcy and Insolvency in Ireland," as constituted by the said Act, shall be called "The Court of Bankruptcy in Ireland," and the judges of the said Court and their successors shall be called the Judges of the Court of Bankruptcy.

The Court of Bankruptcy in Ireland shall continue to be a court of law and equity and a principal court of record, and may review, rescind, or vary any order made by it in pursuance of the said Act or of this Act; and each of the judges of the said court shall have all the powers, jurisdiction, and privileges possessed by any judge of Her Majesty's High Court of Chancery, or by any judge of Her Majesty's Superior Courts of Common Law at Dublin, and the orders of the court shall be of the same force as if they were judgments in the Superior Courts of Common Law or decrees in the High Court of Chancery.

Subject to the provisions of this Act with respect to the officers of the Court of Bankruptcy and Insolvency, all the officers and subordinate officers of the said court for the time being shall, notwithstanding any provisions in "The Irish Bankrupt and Insolvent Act, 1857," henceforth be appointed by the judges of the said Court for the time being, and may be removed by them, and others appointed in their stead, if

the judges are of opinion that they are negligent, unskilful, or untrustworthy in their performance of their duties, or ought in their opinion to be removed for any other just cause.

The said several officers of the said Court shall, in addition to or by way of substitution for the duties at present discharged by them, perform such duties as may from time to time be assigned to them by the judges of the Court with the assent of the Lord Chancellor.

The chief registrars shall provide a seal in duplicate on which shall be engraven the style of the Court, as so altered, and every such seal shall be kept by the chief registrar in trust, for the purposes of the Court, and such seal shall be the seal of the Court.

Judges may sit at chambers.

7. The judges may sit at chambers for the despatch of such part of the business of their courts as can without detriment to the public advantage, arising from the discussion of questions in open court, be heard in chambers; and when sitting at chambers they shall have in all respects like power and jurisdiction as when sitting in court.

Powers of Court to delegate authority.

8. The judges may, subject and in accordance with the rules of court for the time being in force, delegate to the chief registrars or to any other officer of the Court such of the powers vested in them by the said Act as amended by this Act, or by this Act, as it may be expedient for the judges to delegate.

Change in title of assistant registrars.

9. The present assistant registrars of the Court and their successors shall be called henceforth "Registrars of the Court of Bankruptcy."

Power to increase salaries of chief registrar and registrars, &c.

10. And whereas by the fortieth section of the said Act it was (amongst other things) enacted, that the salary to be paid to the chief registrar should in no case exceed eight hundred pounds per annum: And whereas by the forty-second section of the said Act it was (amongst other things) enacted, that it should be lawful for the Lord Chancellor to direct that a salary not exceeding four hundred pounds per annum should be paid to each assistant registrar: And whereas it is expedient that there should be power to increase the said salaries in the event of their being deemed insufficient remuneration for the duties which such chief registrar or the registrars are required to perform: Be it therefore enacted, that it shall be lawful for the judges of the Court, if it shall appear to them that the salary of the chief registrar or of said registrars is insufficient, to represent the circumstances to the Commissioners of Her Majesty's Treasury, who are hereby empowered, if they shall see fit, to increase such salaries to such amounts as to them shall seem proper.

Whereas by the sixtieth section of the thirtieth and thirty-first Victoria, chapter one hundred and twenty-nine, "The Chancery and Common Law Officers (Ireland) Act, 1857," it is enacted that it shall be lawful for the judges of the Court of Bankruptcy and Insolvency in Ireland, if it shall appear to them that the salary of the deputy assistant registrar or of any of the clerks or assistants is insufficient, with the approval of the Lord Chancellor, to represent the circumstances to Her Majesty's Treasury, who are thereby empowered to increase such salaries as to them shall seem fit: Be it enacted, that the power thereby conferred upon the Lords Commissioners of Her Majesty's Treasury may be exercised by them, if they see fit, from time to time, upon the representation of the judges of the Court of Bankruptcy, in reference to the salary of any officer of the said Court of Bankruptcy in Ireland.

Change in title of deputy assistant registrar.

11. The present deputy assistant to the chief registrar, and his successors, shall be called henceforth "deputy registrar."

Change of tenure by which offices held.

12. And whereas it is expedient to alter the tenure by which the future officers of the Court herein-after named shall hold their respective offices: Be it therefore enacted, that every chief clerk, registrar, deputy registrar, clerk, or assistant, who may be hereafter appointed, and any person who may before the passing of this Act have been appointed to the office lately held by J. R. O'Flanagan, Esq., one of the clerks of the Court, shall hold his respective office by the same tenure as an officer serving in an established capacity in the permanent Civil Service of the State, but shall be removable by order of the judges of

the Court, if such judges shall be of opinion that he is negligent, or unskilful, or untrustworthy in the discharge of his duties, or ought in their opinion to be removed for any other just cause.

Superannuation of officers appointed after passing of Acts 30 & 31 Vict. c. 44. and 30 & 31 Vict. c. 129.

13. Every person holding any of the offices mentioned in the last preceding section at the time of the passing of this Act who may have been appointed subsequently to the passing of the Acts of the session of the thirtieth and thirty-first years of the reign of Her present Majesty, chapters forty-four and one hundred and twenty-nine, and every person who may hereafter be appointed to any of the said offices, may be allowed superannuation in pursuance of the provisions of the "Superannuation Act, 1859."

Salary of deputy to be deducted from chief's salary.

14. And whereas by the twenty-third section of the said Act it was (amongst other things) enacted that any person appointed to perform the duty of such judge or registrar or chief clerk as therein named should be paid a sum equal to the salary of such judge or registrar or chief clerk for and during the period of his service, to be deducted from the salary of the person in whose absence he should so act: And whereas it is expedient that there should be power to allocate a sum less than the entire amount of such salary in payment of the persons so appointed: Be it enacted, that every person so appointed to perform the duty of such judge, registrar, or chief clerk shall be paid such sum, to be deducted from the said salary, as the Lord Chancellor in the case of a judge, or as the judges of the Court in the case of any of the other officers, may determine as proper to be deducted from the salary of the person in whose absence he shall so act.

Additional persons may be appointed to take affidavits.

15. Affidavits to be made or used in any matter or proceeding under the said Act as amended by this Act shall and may be sworn before such officer or officers of the Court as the Court shall by general order from time to time direct, as well as before the several persons mentioned in section three hundred and sixty-six of the said Act; and every such officer as aforesaid is hereby authorised and required to administer the oath upon every such affidavit.

Scale of fees.

16. The Lord Chancellor shall, with the sanction of the Treasury, from time to time prescribe a scale of fees to be charged for any business done by any Court or officer thereof under the said Act as amended by this Act or under this Act; and the Treasury shall direct whether the same shall be imposed by stamps or otherwise, and by whom and in what manner the same shall be collected, accounted for, and appropriated, and whether any and what remuneration or compensation shall be allowed to any person performing any duties under this Act, or whose fees or emoluments may be affected thereby.

When prescribing any such scale of fees, it shall be lawful for the Lord Chancellor, with the sanction of the Treasury, to vary, increase, reduce, or abolish all or any of the stamp duties in lieu of fees mentioned and enumerated in Schedule (Z.) to the said Act annexed, and to substitute one or more fee or fees, stamp or stamps, in lieu thereof.

All or any stamps to be used under the said Act as amended by this Act or under this Act shall be impressed or adhesive as the Commissioners of Her Majesty's Treasury from time to time direct.

Proceedings in Bankruptcy.

Abolition of distinction between traders and non-traders.

17. From and after the commencement of this Act, the provisions of the said Act, save so far as same have been repealed, altered, or amended by this Act, shall apply to all debtors, whether traders or not, and the said Act shall henceforth be read and construed as if the word "debtor" were inserted throughout the said Act instead of the word "trader."

Debtor need not prove his estate over 50*l.*

18. Notwithstanding any provision contained in the said Act, it shall not be necessary for any debtor who shall present a petition for adjudication in bankruptcy against himself, and who shall at the time of the presentation of such petition be a prisoner as defined by the said Act, to set forth in his petition, or to make it appear to the satisfaction of the Court, that his available estate is sufficient to produce the sum of fifty pounds.

Forms as to traders to be applicable to all debtors.

19. Save as otherwise provided by this Act, all the forms set forth in the several schedules to the said Act in reference to traders and their estates and effects, but subject to be varied by general orders, shall be applicable to all debtors who are not traders, and their estates and effects under this Act; but no rule, order, warrant, summons, or other proceeding or document whatsoever required by the said Act, or by this Act, to be in a form given in the said schedules respectively, or any of them, or to be given by any general order under this Act, shall be invalidated by reason of want of form, or omission, or variance therein, if such want of form, omission, or variance shall not, in the opinion of the Court before which the same shall be brought, be calculated to mislead or prejudicially affect any person.

Debt of petitioning creditor.

20. A single creditor, or two or more creditors, if the debt due to such single creditor or the aggregate amount of debts due to such several creditors from any debtor amount to a sum of not less than forty pounds, may present a petition to the Court, praying that the debtor be adjudged a bankrupt.

Acts of bankruptcy.

21. The following acts or defaults shall be herein-after deemed to be and included under the expression "acts of bankruptcy:"

(1.) That the debtor has, in Ireland or elsewhere, made a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally:

(2.) That the debtor has, in Ireland or elsewhere, made a fraudulent conveyance, gift, delivery, or transfer of his property or of any part thereof:

(3.) That the debtor has, with intent to defeat or delay his creditors, done any of the following things, namely, departed out of Ireland; or being out of Ireland remained out of Ireland; or being a trader departed from his dwelling house or otherwise absented himself; or begun to keep house; or suffered himself to be outlawed:

No debtor not being a trader who shall be abroad at the time of the passing of this Act shall be deemed to remain abroad with intent to defeat or delay his creditors until the expiration of six months after the passing of this Act:

(4.) That the debtor has filed in the Court a declaration of insolvency pursuant to the provisions of the said Act as amended by this Act:

(5.) That execution issued against the debtor on any legal process for the purpose of obtaining payment of not less than twenty pounds has in the case of a trader been levied by seizure and sale of his goods:

(6.) That the creditor presenting the petition has served in the prescribed manner on the debtor a debtor's summons requiring a debtor to pay a sum due, of an amount of not less than twenty pounds, and the debtor being a trader has for the space of seven days, or not being a trader has for the space of three weeks, succeeding the service of such summons, neglected to pay such sum, or to secure or compound for the same:

(7.) That the debtor has filed a petition for arrangement with his creditors under the provisions of the said Act as amended by this Act, and that such petition has been dismissed:

(8.) That the debtor having been arrested or committed to prison before the first day of August one thousand eight hundred and seventy-seven for debt or on any attachment for nonpayment of money shall upon such or any other arrest or commitment for debt or nonpayment of money, or upon any detention for debt, lie in prison, being a trader, for fourteen days, or not being a trader, for two calendar months, or, having been arrested for any cause, shall lie in prison as aforesaid, after any detainer for debt lodged against him, and not discharged; or that any such debtor, having been so arrested, committed, or detained for debt shall escape out of prison or custody; or that any such debtor having been so arrested, committed, or detained for debt, shall make the declaration mentioned in section twenty-four of this Act.

The debt of the petitioning creditor must be a liquidated sum, and must not be a secured debt, unless the petitioner state in his petition that he will be ready to give up such security for the benefit of the creditors in the event of the debtor being adjudicated

a bankrupt, or unless the petitioner is willing to give an estimate of the value of his security, in which latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him after deducting the value so estimated, but he shall, on an application being made by the assignees or trustee within the prescribed time after the date of adjudication, give up his security to such assignees or trustee for the benefit of the creditors upon payment of such estimated value.

Every person who has given credit to any debtor upon valuable consideration for any sum payable at a certain time, which time shall not have arrived when such debtor committed an act of bankruptcy, may, subject to the provisions of the preceding clause, petition or join in petitioning for adjudication against such debtor.

Debt of petitioning creditor of a non-trader must be contracted after the passing of this Act.

22. The debt of the petitioning creditor of any debtor not being a trader, and not being at the time of the presentation of the petition a prisoner as defined by the said Act, must be a debt contracted after the passing of this Act.

Effect of adjudication against prisoner for debt.

23. Every adjudication against any prisoner as defined by the said Act shall, unless the Court shall otherwise direct, have relation back to the date of his commitment or detention, as the case may be.

Mode of dealing with pauper prisoners for debt.

24. If any debtor now being or who shall be imprisoned for any debt contracted before the passing of this Act, shall not be possessed of or entitled to any property, and shall not have any means directly or indirectly of supporting himself, he shall be at liberty to make and subscribe a declaration of his poverty in the prescribed form. Such declaration may be made before the gaoler of the prison where such debtor is confined, or his deputy, and such gaoler or deputy is hereby empowered and required to administer such declaration without fee or reward. Any person making such declaration knowing the same to be false in any particular shall, on conviction thereof, incur and suffer such and the same penalties as are inflicted on persons convicted of wilful and corrupt perjury.

Notice of declaration to be given in Gazette.

25. When such declaration shall have been subscribed, the gaoler or his deputy shall forthwith transmit the same with a list of the detainers against such person as shall have subscribed such declaration to the chief registrars or other officer of the Court appointed to receive the same, who shall file the same, and forthwith give notice in the Dublin Gazette, and to the detaining creditors or creditor of such person in the prescribed manner, and if they the said detaining creditors, or some one of them, shall not within twenty-one days after the publication of the said notice in the said Gazette, file or cause to be filed in the Court a petition of bankruptcy against the said person, the Court may order his immediate release; provided always, that such release shall in nowise affect any rights of such detaining creditors or creditor except the right of detaining such person in custody.

Bankrupts protected from arrest in certain cases.

26. If the bankrupt be not in prison or custody at the date of the adjudication, he shall be free from arrest or imprisonment by any creditor, in respect of a debt contracted before the passing of this Act, in coming to surrender, and after such surrender during the time limited by the said Act for such surrender, and for such further time as shall be allowed him for finishing his examination, and for such time after finishing his examination until his certificate be allowed, as the Court shall from time to time think fit to appoint, and when any person who has been adjudged bankrupt, and has surrendered and obtained his protection from arrest, is at the time of obtaining such protection in prison or in custody for any debt contracted before the passing of this Act, the Court may, if it think fit, order his immediate release, and either absolutely or upon such conditions as it shall consider just, provided that such release shall in nowise affect any rights of the creditor at whose suit the bankrupt may be in custody against the bankrupt, except the right of detaining him in custody whilst protected from imprisonment by order of the Court: Provided that when the bankrupt is a prisoner as defined by the said Act, the Court may, if it see fit, dispense with the attendance of the said bankrupt for surrender, and may receive such surrender in the prescribed form.

If arrested to be discharged on producing protection. Penalty on detention.

27. If any bankrupt in coming to surrender be arrested for any debt contracted before the passing of this Act, or shall after his surrender, and while protected by order of the Court, be so arrested, he shall, on producing such protection to the officer who shall arrest him and giving such officer a copy thereof, be immediately discharged; and if any officer shall detain any such bankrupt after he shall have shown such protection to him, except for so long as shall be necessary for obtaining a copy of the same, such officer shall forfeit to such bankrupt the sum of five pounds for every day he shall detain such bankrupt, to be recovered by action of debt in any of Her Majesty's Superior Courts of Record in Dublin in the name of such bankrupt, with full costs of suit.

Adjudication in case of lunatic prisoners for debt.

28. If any person being or alleged to be of unsound mind shall be a prisoner as defined by the said Act, the gaoler shall forthwith require a justice of the peace for the county, division, or place wherein such prison shall be, to visit such debtor, and to inquire into his or her state of mind; and such justice shall call to his assistance two duly qualified medical practitioners, each of whom shall be a physician, surgeon, or apothecary, and each of whom shall separately examine such debtor; and if such two medical practitioners shall each sign a certificate with respect to such debtor, according to the prescribed form, and such justice shall be satisfied from his own view that such debtor is of unsound mind, he shall certify the same to the Court, and thereupon the Court may appoint some person to represent such debtor, and direct such proceedings to be taken for adjudication in bankruptcy against him as the Court shall think fit, and all such proceedings under such adjudication shall be had and carried on in the same manner and with the like effect as if such prisoner had been of sound mind and had presented a petition to the Court for adjudication of bankruptcy, or as near thereto as the difference of circumstances will permit.

Power thereupon for justice of the peace to remove such prisoners to county asylum.

29. Any justice of the peace of the county, division, or place aforesaid may thereupon remove such prisoner from such gaol, and may cause him or her to be sent to the asylum of the county in which such gaol shall be situate, in order that he or she may be placed under care and treatment as a lunatic; and such removal shall not be considered as an escape or final discharge from such gaol, and such prisoner shall thereafter be dealt with in all respects as a pauper lunatic, and shall be subject to the Acts of Parliament for the time being in force respecting pauper lunatics, or as near thereto as circumstances will permit: Provided nevertheless, that in the event of his or her recovery from his or her lunacy, he or she shall, if still liable to be detained in custody as a debtor, be remitted to the gaol from whence he or she was received.

Proceedings in relation to a debtor's summons.

30. A debtor's summons may be granted by the Court on a creditor proving to its satisfaction that a debt of twenty pounds or upwards is due to him from the person against whom the summons is sought, and that the creditor has failed to obtain payment of his debt, after using reasonable efforts to do so. The summons shall be in the prescribed form. It shall state that in the event of the debtor failing to pay the sum specified in the summons, or to secure or compound for the same to the satisfaction of the creditor, such default will be deemed to be an act of bankruptcy. The summons shall have an endorsement thereon to the like effect, or such other prescribed endorsement as may be best calculated to indicate to the debtor the nature of the document served upon him, and the consequences of inattention to the requisitions therein made.

Any debtor served with a debtor's summons may apply to the Court, in the prescribed manner and within the prescribed time, to dismiss such summons, on the ground that he is not indebted to the creditor serving such summons, or that he is not indebted to such amount as will justify such creditor in obtaining a debtor's summons against him; and the Court may dismiss the summons, with or without costs, if satisfied with the allegations made by the debtor, or it may, upon such security (if any) being given as the Court may require for payment to the creditor of the debt alleged by him to be due, and the costs of establishing such debt, stay all proceedings on the summons for such time as will be required for the trial of the question relating to such debt; and such trial shall be had either before the Court or before any other court of competent jurisdiction.

31. A partnership, association, or company corporate, registered under the Companies Act, 1862, shall not be adjudged bankrupt under the said Act or this Act. Partnerships, &c. registered not to be adjudged bankrupt.

Insolvency.

32. From and after the commencement of this Act, the jurisdiction, authorities, and functions of the chairmen of quarter sessions in insolvency matters shall cease; provided that all matters of insolvency pending at the time of the commencement of this Act before any of the said chairmen shall proceed and be completed before them as if this Act had not been passed. Jurisdiction of chairmen of quarter sessions in insolvency discontinued.

33. All matters of insolvency pending at the commencement of this Act in the Court shall proceed and be completed in the said Court, and the judges of the said Court shall for the purpose of proceeding with and completing such pending matters have the same jurisdiction, powers, and authorities possessed by them at the time of the commencement of this Act. Winding up pending insolvency business.

34. For the purpose of winding up as expeditiously and conveniently as may be all petitions, matters, and things relating to any insolvency which shall have been presented to or depending in the Court or in any of the Courts of Quarter Sessions in Ireland at the time of the commencement of this Act, the following provisions shall have effect; namely, Power of Courts to proceed summarily in winding up matters depending.

(1.) It shall be lawful for the Court, or the chairman of any Court of Quarter Sessions respectively, to summon, as they or he shall deem fit, all or any of the parties to such petitions, matters, or things, or their solicitors, and thereupon to give such directions and make such orders as may be necessary for the purpose of settling and winding up the same, and to proceed for the purposes aforesaid in the absence of the parties or solicitors neglecting or refusing to attend such summons:

(2.) Every insolvency shall at the expiration of ten years from the commencement of this Act be closed:

(3.) Before the expiration of the said ten years any assignee, creditor, or other person interested in an insolvency may apply in the prescribed manner to the Court to have the close of such insolvency postponed, and the Court on sufficient cause being shown for the postponement may, subject to the rules of Court, postpone such close for such period and on such terms and conditions (if any) as it thinks just:

(4.) If the close is postponed the same proceedings may be had before the expiration of the period of postponement, as is provided by this section, before the expiration of the said period of ten years:

(5.) If sufficient cause for postponement is not shown before the expiration of the said ten years, or the period of postponement (as the case may be), or of such further period as may, subject to the rules of Court, be allowed for an application to the Court, the insolvency shall, at the expiration of the said times, be ipso facto closed, and thereupon the insolvent or the heirs, devisees, or personal representatives of the insolvent (if he is dead) shall be in the same position and have the same rights in all respects as if the insolvent had been bankrupt and had at the date of the closing obtained his certificate of conformity under the said Act as amended by this Act.

35. Every recognizance which may, at the passing of this Act, have been entered into by any person with conditions that the insolvent therein mentioned shall duly appear at the time and place therein mentioned, shall extend to bind the person who may have entered into the same, in case the insolvent debtor therein mentioned shall not at the time appointed in such recognizance duly appear before the Court by which the petition or matter of such insolvent is heard in pursuance of the said Act or this Act, and on every adjourned hearing, or shall not abide by the final judgment of such Court. Recognizances of sureties extended.

Records of court.

36. The records and proceedings of every kind in insolvency matters in the Court of Bankruptcy and Insolvency at the time of the commencement of this Act shall be records and proceedings of the Court, and shall be kept in such manner as they now are, subject to alteration by any general order.

Chief clerk, clerks, and officers in insolvency.

37. The present chief clerk in insolvency and the officers at the commencement of this Act discharging duties connected with insolvency business shall, until the Court otherwise directs, continue to discharge the same duties as at the commencement of this Act, and shall have the same relative rank, and hold their offices by the same tenure, and upon the same terms and conditions, and receive the same salaries and emoluments, as heretofore. If a vacancy happens in the place of any such officers to whom this section relates, the Court may, if it thinks fit, with the concurrence of the Commissioners of Her Majesty's Treasury, employ a fit person temporarily to discharge the duties of that place; and in the event of the duties of any such officers now attached to the Court ceasing, he shall, save as herein-before provided, if the Court think fit, be appointed to discharge similar or other duties in the Court of Bankruptcy in case his services are required in that behalf, under such title, and shall receive such salary, as the judges of the Court of Bankruptcy, with the sanction of the Treasury, may from time to time direct, not less than the salary received by them respectively; and if not so appointed, his office shall be abolished.

Compensation to officers.

38. The Commissioners of Her Majesty's Treasury may, on the petition of any person whose office or employment is abolished by or under this Act, on the commencement of this Act or on any other event, inquire whether any, and, if any, what compensation ought to be made to the petitioner, regard being had to the conditions on which his appointment was made, the nature of his office or employment, and the duration of his service; and if they think that his claim to compensation is established, may award to him out of moneys to be provided by Parliament such compensation, by annuity or otherwise, as under the circumstances of the case they think just and reasonable.

Saving for right to superannuation allowances, &c.

39. Nothing in this Act shall deprive any person discharging duties connected with insolvency in the Court of Bankruptcy and Insolvency of any benefit to which at or after the commencement of this Act he is or may become entitled by virtue of any Act relating to superannuation allowances; and the service of any such person in the Court shall, in relation to superannuation allowance, retiring pension, and compensation annuity on abolition of office, be equivalent to service in the said Court of Bankruptcy and Insolvency.

Persons having Privilege of Parliament.

Privilege of Parliament not to prevent adjudication in bankruptcy.

40. If a person having privilege of Parliament commits an act of bankruptcy he may be dealt with under this Act in like manner as if he had not such privilege.

Vacating of seat in House of Commons.

41. If a person, being a member of the Commons House of Parliament, is adjudged bankrupt, he shall be and remain during one year from the date of the order of adjudication incapable of sitting and voting in that House, unless within that time either the order is annulled, or the creditors who prove debts under the bankruptcy are fully paid or satisfied.

Provided that such debts (if any) as are disputed by the bankrupt shall be considered, for the purpose of this section, as paid or satisfied if within the time aforesaid he enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning such debts, together with any costs to be given in such proceedings.

Certificate of bankruptcy to be given by the Court to the Speaker.

42. If within the time aforesaid the order of adjudication is not annulled, and the debts of the bankrupt are not fully paid or satisfied as aforesaid, then the Court shall, immediately after the expiration of that time, certify the same to the Speaker of the House of Commons, and thereupon the seat of such member shall be vacant.

Speaker to issue new writ.

43. Where the seat of a member so becomes vacant, the Speaker during a recess of the House, whether by prorogation or by adjournment, shall, forthwith after receiving such certificate, cause notice thereof to be published in the London Gazette; and after the expiration of six days after such publication shall (unless the House has met before that day, or will meet on the day of the issue) issue his warrant to the Clerk of the Crown to make out a new writ for electing another member in the room of the member whose seat has so become vacant.

Provisions of 24 Geo. 3. sess. 2. c. 26. extended to case of bankruptcy.

44. The powers of the Act of the twenty-fourth year of the reign of King George the Third, chapter twenty-six, "to repeal so much of two Acts made in the tenth and fifteenth "years of the reign of His present Majesty as authorises the Speaker of the House of "Commons to issue his warrant to the Clerk of the Crown for making out writs for the "election of members to serve in Parliament in the manner therein mentioned; and for "substituting other provisions for the like purposes," so far as such powers enable the Speaker to nominate and appoint other persons, being members of the House of Commons, to issue warrants for the making out of new writs during the vacancy of the office of Speaker, or during his absence out of the realm, shall extend to enable him to make the like nomination and appointment for issuing warrants, under the like circumstances and conditions, for the election of a member in the room of any bankrupt member whose seat becomes vacant under this Act.

Proof of Debts.

Proof for debts payable by instalments.

45. If any bankrupt or arranging debtor shall have contracted before the filing of a petition against or by him any debt payable by way of instalments, the creditor may prove for the amount of such instalments remaining unpaid at the time of such petition.

Proof in respect of unliquidated damages.

46. If any bankrupt, at the time of adjudication, or any arranging debtor, at the time of the presentation of his petition, shall be liable by reason of any contract or promise, either express or implied, to a demand in the nature of damages which have not been and cannot be otherwise liquidated or ascertained, it shall be lawful for the Court to direct such damages to be assessed by a jury, either before itself or in a court of law, and to give all necessary directions for such purpose, and the amount of damage, when assessed, shall be provable as if a debt due at the time of the bankruptcy or the arrangement: Provided, that in case all necessary parties agree, the Court shall have power to assess such damages without the intervention of a jury or a reference to a court of law.

Proof for premiums upon policies of insurance.

47. If any bankrupt, at the time of adjudication, or any arranging debtor, at the time of the presentation of his petition, be liable, by reason of any contract or promise, to pay premiums on any policy of insurance, or any other sums of money, whether yearly or otherwise, or to repay to or indemnify any person against any such payments, the person entitled to the benefit of such contract or promise may, if he think fit, apply to the Court to set a value upon his interest under such contract or promise, and the Court is hereby required to ascertain the value thereof, and to admit such person to prove the amount so ascertained, and to receive dividends thereon.

Proof in respect of distinct contracts.

48. If any bankrupt, at the time of adjudication, or any arranging debtor, at the time of the presentation of his petition, is liable in respect of distinct contracts, as member of two or more distinct firms, or as a sole contractor, and also as member of a firm, the circumstance that such firms are, in whole or in part, composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of such contracts against the properties respectively liable upon such contracts.

Preferential debts.

49. All parochial or local rates due from any bankrupt or arranging debtor at the date of the order of adjudication or of the filing of the petition, as the case may be, and having become due and payable within twelve months next before such times respectively, and all property or income tax assessed on any bankrupt or arranging debtor up to the fifth day of April next before the date of the order of adjudication or of the filing of the petition, as the case may be, shall be paid in priority to all other debts. Between themselves such debts shall rank equally, and shall be paid in full unless the property of the

bankrupt or arranging debtor is insufficient to meet them, in which case they shall abate in equal proportions between themselves.

Power of Court in relation to Property.

Dispositions of estates tail under bankruptcies. 4 & 5 W. 4. c. 92.

50. The powers and authorities conferred upon Commissioners of Bankruptcy by such of the clauses of an Act passed in the fourth and fifth years of the reign of King William the Fourth, intituled "An Act for the abolition of fines and recoveries and for the substi- "tution of more simple modes of assurance in Ireland," as were by the three hundred and fortieth section of the said Act extended and made applicable to proceedings in bankruptcy under a petition of bankruptcy, and to proceedings in insolvency under a petition of insolvency, shall be vested in the judges of the Court, and shall be exercised by them, or one of them.

Appropriation of portion of salary to creditors.

51. When a bankrupt is in receipt of a salary or income, other than is mentioned in the three hundred and nineteenth section of the said Act, the Court may, from time to time, make such order as it thinks just for the payment of such salary or income, or of any part thereof, to the official assignee or the trustee, to be applied by him in such manner as the Court shall direct; and thereupon such portion of such salary or income as shall be specified in such order shall be paid to such official assignee, until the Court shall make order to the contrary.

Avoidance of voluntary settlements.

52. Any settlement of property made by a trader after the commencement of this Act, not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes bankrupt within two years after the date of such settlement, be void as against the assignees or trustee of such bankrupt under the said Act or this Act, and shall, if the settlor becomes bankrupt at any subsequent time within ten years after the date of such settlement, unless the parties claiming under such settlement can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in such settlement, be void against such assignees or trustee. Any covenant or contract made by a trader after the commencement of this Act, in consideration of marriage, for the future settlement upon or for his wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent in possession or remainder, and not being money or property of or in right of his wife, shall, upon his becoming bankrupt before such property or money has been actually transferred or paid pursuant to such contract or covenant, be void against his assignees or trustee appointed under the said Act or this Act.

"Settlement" shall for the purposes of this section include any conveyance or transfer of property.

Avoidance of fraudulent preferences.

53. From and after the commencement of this Act, every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own moneys in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors, shall, if the person making, taking, paying, or suffering the same to become bankrupt within three months after the date of making, taking, paying, or suffering the same, be deemed fraudulent and void as against the assignees or trustee of such bankrupt appointed under the said Act or this Act; but this section shall not affect the rights of a purchaser, payee, or incumbrancer in good faith and for valuable consideration.

Proceeds of sale and seizure of goods.

54. Where the goods of any trader have been taken in execution in respect of a judgment or civil bill decree for a sum exceeding twenty pounds, and sold, the sheriff shall retain the proceeds of such sale in his hands for a period of fourteen days, and upon notice being served on him within that period of a bankruptcy petition having been presented by or against such trader, shall hold the proceeds of such sale, after deducting expenses,

on trust to pay the same to the assignees or trustee; but if no notice of such petition having been presented be served on him within such period of fourteen days, or if such notice having been served, the trader by or against whom the petition has been presented is not adjudged a bankrupt on such petition, or on any other petition of which the sheriff has notice, he may deal with the proceeds of such sale in the same manner as he would have done had no notice of the presentation of a bankruptcy petition been served on him: Provided always, that in case of bankruptcy the costs and expenses of such action and execution shall be retained and paid out of the proceeds of the sale, and the balance only after such payment be paid to the assignees.

Transactions protected by 20 & 21 Vict. c. 60. to remain valid.

55. Subject and without prejudice to the provisions of this Act relating to the proceeds of the sale and seizure of goods of a trader, and to the provisions of this Act, avoiding certain settlements, and avoiding, on the ground of their constituting fraudulent preferences, certain conveyances, charges, and judicial proceedings, the several transactions by and in relation to the property of a bankrupt which are protected by the said Act, shall be valid notwithstanding any prior act of bankruptcy.

Certificate of Conformity.

Certificate of conformity.

56. When a bankrupt has passed his final examination in a bankruptcy heard before the Court under the provisions of the said Act as amended by this Act, or when a bankruptcy wound up by a trustee and a committee of inspection as herein-after provided has closed, or at any time during its continuance with the assent of the creditors testified by a special resolution, the bankrupt may apply to the Court for a certificate of conformity; but such certificate shall not be granted unless it is proved to the Court that one of the following conditions has been fulfilled:

1. In a bankruptcy heard before the Court under the provisions of the said Act as amended by this Act, that a dividend of not less than ten shillings in the pound has been paid out of his property, or that his bankruptcy or the failure to pay ten shillings in the pound has in the opinion of the Court arisen from circumstances for which the bankrupt cannot justly be held responsible.
2. In a bankruptcy wound up by a trustee and a committee of inspection, either that a dividend of not less than ten shillings in the pound has been paid out of his property, or might have been paid except through the negligence or fraud of the trustee, or that a special resolution of his creditors has been passed to the effect that his bankruptcy or the failure to pay ten shillings in the pound has in their opinion arisen from circumstances for which the bankrupt cannot be held responsible, and that they desire that a certificate should be granted to him. The Court may suspend for such time as it deems to be just, or withhold altogether, the certificate in the circumstances following:
    1. If a prosecution has been commenced against the bankrupt in pursuance of the provisions relating to the punishment of fraudulent debtors contained in the Debtors Act (Ireland), 1872, in respect of any offence alleged to have been committed by him against the last-mentioned Act:
    2. If in the case of a bankruptcy heard before the Court under the provisions of the said Act as amended by this Act, the Court is of opinion that the bankrupt has not made a full disclosure and discovery of his estate and effects or has made default in giving up to his creditors the property which he is required by the said Act or this Act to give up:
    3. If in the case of a bankruptcy wound up by a trustee and a committee of inspection, it appears to the Court on the representation of the creditors made by special resolution, of the truth of which representation the Court is satisfied, or by other sufficient evidence that the bankrupt has not made a full disclosure and discovery of his estate and effects, or has made default in giving up to his creditors the property which he is required by the said Act or this Act to give up.

Form of certificate of conformity.

57. The certificate of conformity shall be in writing under the seal of the Court, and the hand of one of the judges of the Court, and shall certify that the bankrupt has made a full discovery of his estate and effects, and in all things conformed, and that so far as the Court can judge there does not appear any reason to question the truth or fulness of such discovery; and shall be in the form contained in Schedule (B.) to this Act annexed, or to the like effect, and notice of the allowance of such certificate shall be advertised in the Dublin Gazette in such manner as may be directed by any general order to be made in pursuance of this Act.

Effect of certificate.

58. The certificate of conformity shall not release the bankrupt from any debt or liability incurred by means of any fraud or breach of trust, nor from any debt or liability whereof he has obtained forbearance by any fraud, but it shall release the bankrupt from all other debts provable under the bankruptcy, with the exception of—

(1.) Debts due to the Crown:

(2.) Debts with which the bankrupt stands charged at the suit of the Crown, or of any person for any offence against a statute relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail bond entered into for the appearance of any person prosecuted for any such offence:

And he shall not be discharged from such excepted debts unless the Commissioners of the Treasury certify in writing their consent to his being discharged therefrom.

A certificate of conformity shall be sufficient evidence of the bankruptcy and of the validity of the proceedings thereon, and, in any proceedings that may be instituted against a bankrupt who has obtained a certificate in respect of any debt from which he is released by such certificate, the bankrupt may plead that the cause of action accrued before he became bankrupt, and may give this Act and the special matter in evidence.

Exception of joint debtors.

59. The certificate of conformity shall not release any person who at the date of the adjudication was a partner with the bankrupt, or was jointly bound, or had made any joint contract with him.

Status of uncertificated bankrupt.

60. When a person who has been made a bankrupt has not obtained his certificate, then from and after the passing of the final examination, or the close of the bankruptcy, as the case may be, the following consequences shall ensue:

(1.) No portion of a debt provable under the bankruptcy shall be enforced against the property of the person so made bankrupt until the expiration of three years from the passing of the final examination or the close of the bankruptcy, as the case may be; and during that time if he pay to his creditors such additional sum as will, with the dividend paid out of his property during the bankruptcy, make up ten shillings in the pound, he shall be entitled to a certificate of conformity in the same manner as if a dividend of ten shillings in the pound had originally been paid out of his property:

(2.) At the expiration of a period of three years from the passing of the final examination or the close of the bankruptcy, as the case may be, if the debtor made bankrupt has not obtained a certificate of conformity, any balance remaining unpaid in respect of any debt proved in such bankruptcy (but without interest in the meantime) shall be deemed to be a subsisting debt in the nature of a judgment debt, and subject to the rights of any persons who have become creditors of the debtor since the passing of the final examination or the close of his bankruptcy, as the case may be, may be enforced against any property of the debtor with the sanction of the Court, but to the extent only, and at the time and in the manner directed by the Court, and after giving such notice and doing such acts as may be prescribed in that behalf.

Arrangement with Creditors and Composition after Bankruptcy.

Composition after bankruptcy.

61. Notwithstanding that the several requirements of the one hundred and forty-ninth and one hundred and fiftieth sections of the said Act with respect to composition after bankruptcy may have been complied with, it shall be lawful for the Court to refuse to

annul the adjudication, and to order that the bankruptcy shall continue, if at either of the meetings mentioned in said one hundred and forty-ninth section, or at any adjournment of either of said meetings, it shall be shown that the offer of composition made by the bankrupt or his friends is not reasonable and proper to be executed under the control of the Court.

Definition of "process."

62. The word "process" in the said Act and this Act shall include an affidavit registered under the provisions of the Act thirteen and fourteen of the Queen, chapter twenty-nine, and the Acts amending the same, and a debtors summons under this Act.

Secured creditor to value his security before voting.

63. A secured creditor shall for the purpose of voting at any meeting of creditors in any arrangement or in any composition after bankruptcy under the said Act or this Act, be deemed to be a creditor only in respect of the balance (if any) due to him, after deducting the value of his security; and the amount of such balance shall, until the security be realised, be determined in the prescribed manner. He may, however, at or previously to any such meeting, give up the security, and thereupon he shall rank as a creditor in respect of the whole sum to him.

Certificate in arrangement cases to operate as a certificate of conformity.

64. So soon as the resolution or agreement made by any arranging debtor under the said Act, as amended by this Act, shall have been carried into effect, and the creditors of such arranging debtor shall have been satisfied according to the tenor thereof, the Court shall give to such arranging debtor a certificate under the seal of the Court in the form contained in the Schedule (C.) to this Act annexed, or to the like effect; and such certificate shall thenceforth operate to all intents and purposes as if the same were a certificate of conformity under a bankruptcy under the said Act as amended by this Act.

Re-vesting of property in arrangement cases.

65. Whenever it shall appear to the satisfaction of the Court that any trader who has presented a petition for arrangement with his creditors before the passing of this Act, has obtained such certificate as is mentioned in the three hundred and fifty-second section of the said Act, or that any arranging debtor has obtained such certificate as is mentioned in the last preceding section of this Act, and that there remains in the possession of, or vested in, or otherwise subject to the control of the assignees, or any trustees or trustee of such trader or arranging debtor under his arrangement, any part of the estate or effects of such trader or arranging debtor, it shall be lawful for the Court to order that the same shall be vested in the said trader or arranging debtor, his heirs, executors, administrators, or assigns, and such order shall have the effect of vesting the same accordingly. Any order made in pursuance of this section shall for all purposes of any law in force in any part of the United Kingdom, or in any part of the dominions of Her Majesty, requiring registration, enrolment, or recording of conveyances, or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled, and recorded accordingly.

General Powers of the Court.

General power of the Court.

66. Subject to the provisions of the said Act and this Act, and in addition to the powers conferred by the said Act, the Court shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, arising in any case of bankruptcy or arrangement coming within the cognizance of such Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case; and the Court shall not be subject to be restrained in the execution of its powers under the said Act or this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in the manner directed by the said Act; and if in any proceeding in bankruptcy or arrangement there arises any question of fact which the parties desire to be tried before a jury instead of by the Court itself, or which the Court thinks ought to be tried by a jury, the Court may direct such trial to be had, and such trial may be had accordingly, before one of the judges of the said Court, in the same manner as if it were the trial of an issue in one of the superior courts of common law.

Extension of the Act 34 & 35 Vict. c. 65. to the Court and to the judges thereof.

67. The word "Court" used in and by an Act of the session of the thirty-fourth and thirty-fifth years of the reign of Her present Majesty, chapter sixty-five, shall include "the Court of Bankruptcy in Ireland," and the word "judge" used in and by said Act shall include any of the judges of the said Court.

Power to Court to restrain suits, &c.

68. The Court may at any time after the presentation of a petition in bankruptcy against or by a debtor under the said Act as amended by this Act, or at any time after the presentation of a petition for arrangement under the said Act as amended by this Act, restrain further proceedings in any action, suit, or other process against the debtor in respect of any debt provable in bankruptcy or arrangement, or it may allow such proceedings, whether in progress at the time of such presentation respectively or commenced during the continuance of the bankruptcy or arrangement, to proceed upon such terms as the Court may seem just. The Court may also at any time after the presentation of any such petition appoint a receiver or manager of the property or business of the debtor, or any part thereof, and may direct immediate possession to be taken of such property or business, or any part thereof.

Execution of warrant.

69. Any warrant issued by the Court under the said Act as amended by this Act, or under this Act, may be directed to and executed by the messengers of the Court, or any assistant messenger, or any constable or other fit person therein named, and it shall not be necessary for such last-named persons to take the oath prescribed for messengers by the said Act.

Enforcement of orders of Court.

70. Any order made by the Court under the said Act as amended by this Act, or under this Act shall be enforced in Scotland and England in the Courts having jurisdiction in bankruptcy in such countries respectively, in the same manner in all respects as if such order had been made by the Courts which are hereby required to enforce the same; and in like manner any order made by the Court in Scotland having jurisdiction in bankruptcy shall be enforced in England and Ireland, and any order made by the Court having jurisdiction in bankruptcy in England shall be enforced in Ireland and Scotland, by the Courts respectively having jurisdiction in bankruptcy, in the division of the United Kingdom where the orders made require to be enforced, and in the same manner in all respects as if such order had been made by the Court required to enforce the same in a case of bankruptcy within its own jurisdiction.

Courts in Ireland, &c. to be auxiliary to other courts, &c.

71. The Court and the Courts having jurisdiction in bankruptcy in England and Scotland, and every British Court elsewhere having jurisdiction in bankruptcy or insolvency, and the officers of such Courts respectively, shall severally act in aid of and be auxiliary to each other in all matters of bankruptcy, and an order of the Court seeking aid, together with a request to another of the said Courts, shall be deemed sufficient to enable the latter Court to exercise, in regard to the matters directed by such order, the like jurisdiction which the Court which made the request, as well as the Court to which the request is made, could exercise in regard to similar matters within their respective jurisdictions.

Commitment to prison.

72. Where the Court commits any person to prison, the commitment may be to such convenient prison as the Court thinks expedient, and if the gaoler of any prison refuses to receive any prisoner so committed he shall be liable for every such refusal to a penalty not exceeding one hundred pounds.

Examination of persons in custody.

73. The Court shall have power to issue its warrant or order directed to the governor, keeper, or gaoler of any gaol wherein any bankrupt, or any person who is known or suspected to have any of the estate of the bankrupt in his possession, or who is supposed to be indebted to the bankrupt, or any person the Court may believe capable of giving information concerning the person, trade, dealings, or estate of the bankrupt, shall be in custody, directing him to bring the bankrupt or any such person as aforesaid before the Court, or such officer thereof, or such chairman of quarter sessions, as shall be named in such warrant or order on the day named in such warrant or order for examination; and every such governor, keeper, or gaoler shall obey such warrant or order. The bankrupt

or any such person as aforesaid who shall be so brought up, shall, after his or her examination, be taken back to the gaol from which he or she was brought up, without any new or further order.

Expenses of removal of persons in custody.

74. The expenses of conveying such bankrupt or any such person as aforesaid, for such examination, shall be paid to the keeper, gaoler, or other officer who shall bring such prisoner to and from the place where same is held, in obedience to any such rule or order of the Court out of the estate and effects of such bankrupt, if the same shall be sufficient to pay such expenses, and if not, then such expenses shall be paid by the treasurer of the county, county of a city, or county of a town in the gaol of which such prisoner shall be imprisoned, as the same shall be directed by the Court or other officer before whom such prisoner shall be brought; and the grand jury of such county, county of a city, or county of town is hereby empowered and required to present the amount thereof at the assizes next ensuing the day mentioned in such rule or order, to be levied off such county, county of a city, or county of a town.

Power of Court to put purchaser into possession of lands.

75. When the lands, houses, or tenements of any bankrupt or arranging debtor have been sold by or under the direction of the Court, the Court shall have power, on the application of any purchaser, to issue an order to the sheriff of the county or city where such lands, houses, or tenements are situate, to put such purchaser into possession of all such lands, houses, or tenements not in the occupation of lessees, under lessees, or tenants, subject to whose leases, under leases, or tenancies the sale shall have been made, and who shall have attorned to such purchaser within a time to be limited in such order, and such order shall be executed by the sheriff in like manner as a writ for the delivery of possession.

Corrupt agreements with creditors.

76. If any creditor of a bankrupt or arranging debtor shall obtain or accept any sum of money, or any goods, chattels, or security for money, from a bankrupt or arranging debtor, or from any person, as an inducement for forbearing to oppose or for consenting to the allowance of the certificate of the bankrupt, or for agreeing to accept any offer of composition made by the bankrupt or his friends, or for assenting to the proposal of the arranging debtor or any modification thereof, every such creditor so offending shall lose for every such offence the treble value of amount of such money, goods, or chattels, or security so obtained or accepted by him, and the same shall be recoverable by the assignees or trustees of the bankruptcy, or by the assignees or trustees of the arranging debtor, by proceedings in the Court in the prescribed manner, and when recovered shall be deemed part of the estate and effects of the bankrupt or arranging debtor, and shall be divided among the creditors in the bankruptcy or arrangement in proportion to the amount of their debts, notwithstanding that the composition shall have been accepted or the proposal of the arranging debtor assented to; and in the event of there being any surplus after paying in full the debts of the creditors and the costs and expenses, the same shall be paid into the "unclaimed dividend account," and the bankrupt or arranging debtor shall not be entitled thereto.

Further application of interest on unclaimed dividend account.

77. The Court may at any time, if it shall think fit, order that the official assignees shall be paid out of the interest and profit arising from the unclaimed dividend account, such sum by way of indemnity in respect of any damages, costs, or expenses sustained or incurred, or to be sustained or incurred by them or either of them for or by reason of any act or matter done by them while acting as official assignees as to the Court shall appear just.

Provisions as to Absconding Debtors.

Arrest of debtor after service of summons.

78. The Court may by warrant addressed to any constable or prescribed officer of the Court, cause a debtor to be arrested and safely kept as prescribed, until such time as the Court may order, if, after a debtor's summons has been granted in the manner prescribed by this Act, and before a petition of bankruptcy can be presented against him, it appear to the Court that there is probable reason for believing that he is about to go abroad with a view of avoiding payment of the debt for which such summons has been granted,

or of avoiding the presentation of a petition in bankruptcy against him, or of avoiding examination in respect of his affairs, or otherwise avoiding, delaying, or embarrassing proceedings in bankruptcy: Provided always, that nothing herein contained shall be construed to qualify or alter the right of the debtor to apply to the Court in the prescribed manner to dismiss the said summons as in this Act is provided, or to pay, secure, or compound for the said debt within the time by this Act provided, without being deemed to have committed an act of bankruptcy; and provided also, that upon any such payment or composition being made, or such security offered as the Court shall think reasonable, the said debtor shall be discharged out of custody, unless the court shall otherwise order.

When arrest not valid.

79. No arrest shall be valid or protected under this Act unless the debtor before or at the time of his arrest shall be served with the debtor's summons.

Security for debt given after arrest.

80. No payment or composition of a debt made or security for the same given after an arrest made under the provisions of this Act shall be exempted from the operation of the said Act or this Act relating to fraudulent pretences.

Jurisdiction of Chairmen of Quarter Sessions in Bankruptcy.

Court may refer cases to chairmen of quarter sessions.

81. If any debtor who is adjudged a bankrupt after the passing of this Act shall have at the time of such adjudication a fixed place of abode situated elsewhere than within the county of the city of Dublin or the county of Dublin, the Court may, if it shall think fit, upon the application within the prescribed time and in the prescribed manner of such debtor, or of any creditor of such debtor, make an order referring all or any part of the proceedings under such adjudication to the chairman of quarter sessions within whose jurisdiction such debtor had a fixed abode at the time of such adjudication, and shall, if necessary, transmit the petition and schedule of such debtor to the clerk of the peace, and such chairman shall appoint a time and place at any court of quarter sessions held within the jurisdiction of such chairman for the hearing and carrying on of the said proceedings, or for such part thereof as shall be so referred.

Chairman to have same jurisdiction and powers as the Court.

82. Any chairman to whom any such proceedings shall be so referred, shall have and possess the same power and authority with respect to the same, and shall make all such orders, give all such directions, and do all such matters and things with respect to the debtor, his schedule, creditors and assignees, property, and debtors to his estate, final examination, and certificate, or as to the trial or directing the prosecution of such bankrupt, or as to the examination of witnesses, as the Court might make, give, or do, in proceedings in bankruptcy heard before such Court under the said Act or this Act; and, if he shall deem fit, shall be at liberty to adjourn the hearing of all or any part of such proceedings from sessions to sessions as occasion may require.

Petition, &c. to be returned by the clerk of the peace to the Court.

83. Every such petition and schedule, and all judgments, rules, orders, directions, and proceedings thereon by such chairman, shall be forthwith, or as soon as conveniently may be after such hearing or adjournment thereof as the case may be, returned by the clerk of the peace to the Court, certified by such chairman and clerk of the peace respectively, to be a record of the Court, and to be kept as such among the records thereof, and the clerk of the peace is hereby required to return the same accordingly.

Clerk of Peace to transmit return of quarter sessions days.

84. Every clerk of the peace shall transmit to the officer of the Court in Dublin a return of the several days for holding the quarter sessions in and for each county, forthwith, upon the appointment of the same by the chairman of each county.

Appeals from decisions of chairman.

85. Any person who shall be dissatisfied with the decision of the chairman upon any matter of law or fact arising in any proceedings referred to him under this Act, may appeal from the same to the Court within the prescribed time, and in the prescribed manner, and the decision of the Court in any such appeal shall be final.

Court to have jurisdiction before hearing any pending adjournment.

86. Nothing herein contained shall extend or be construed to deprive the Court of the power of doing, prior to any hearing before such chairman of any matter referred to him as aforesaid, or pending the adjournment of any such hearing, any matter or thing relative

to such debtor, his petition and schedule, property, estate, and effects, creditors, assignees, debtors to his estate, final examination, or certificate.

Trustee Clauses.

Power of Court to summon general meeting to determine if bankrupt's estate is to be wound up by trustee.

87. Any bankrupt or any creditor or creditors of a bankrupt whose debt or the aggregate amount of whose debts is not less than fifty pounds may within the prescribed time after adjudication and in the prescribed manner apply to the Court for an order to summon a general meeting of the creditors of the bankrupt for the purpose of obtaining their sanction to the estate of the bankrupt being wound up by a trustee and a committee of inspection, as herein-after mentioned.

Meeting of creditors for appointment of trustee.

88. On the hearing of such application the Court may, if it think fit, make an order to summon a general meeting of the creditors of the bankrupt, and the creditors at such meeting, or at any adjournment thereof, shall and may do as follows:

(1.) They may, by a special resolution as defined by this Act, declare that the estate of the bankrupt is to be wound up by a trustee and a committee of inspection:

(2.) They may by resolution appoint some fit person, whether a creditor or not, to fill the office of trustee of the property of the bankrupt, at such remuneration as they may from time to time determine, if any; or they may resolve to leave his appointment to the committee of inspection herein-after mentioned:

(3.) They shall, when they appoint a trustee, by resolution declare what security is to be given, and to whom, by the person so appointed, before he enters on the office of trustee:

(4.) They shall, when they appoint a trustee, by resolution also appoint some other fit persons, not exceeding five in number, and being creditors qualified to vote at such first meeting of creditors as is in this Act mentioned, or authorised in the prescribed form by creditors so qualified to vote, to form a committee of inspection for the purpose of superintending the administration by the trustee of the bankrupt's property:

(5.) They may by resolution give directions as to the manner in which the property is to be administered by the trustee, and it shall be the duty of the trustee to conform to such directions, unless the Court for some just cause otherwise orders.

Regulations as to first meeting of creditors.

89. The general meeting of creditors to be summoned as aforesaid by the Court, and in this Act referred to as the first meeting of creditors, shall be held in the prescribed manner and subject to the prescribed regulations as to the quorum, adjournment of meeting, and all other matters relating to the conduct of the meeting or the proceedings thereat.

Provided that,—

(1.) The meeting shall be presided over by one of the registrars of the court, or, in the event of his being unable to attend through illness or any unavoidable cause, or, if the Court shall so direct, by such chairman as the meeting may elect:

(2.) A person shall not be entitled to vote as a creditor unless at or previously to the meeting he has in the prescribed manner proved a debt provable under the bankruptcy to be due to him:

(3.) A creditor shall not vote at the said meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained:

(4.) A secured creditor shall, for the purpose of voting, be deemed to be a creditor only in respect of the balance (if any) due to him after deducting the value of his security; and the amount of such balance shall, until the security be realised, be determined in the prescribed manner. He may, however at or previously to the meeting of creditors, give up his security, and thereupon he shall rank as a creditor in respect of the whole sum due to him:

(5.) Votes may be given either personally or by proxy:

(6.) An ordinary resolution shall be decided by a majority in value of the creditors present personally or by proxy at the meeting and voting of such resolution:

(7.) A special resolution shall be decided by a majority in number, and three-fourths in value, of the creditors present personally or by proxy at the meeting and voting on such resolution.

Order for winding up by trustee, and appointment of same.

90. The passing of any such special resolution as aforesaid, and the appointment of a trustee, shall be reported to the Court, and thereupon the Court shall, if it think it reasonable and proper so to do, make an order that the estate of the bankrupt shall be wound up by a trustee and a committee of inspection. When making any such order the Court shall at the same time, upon being satisfied that the requisite security has been entered into by the said trustee, give him a certificate declaring him to be trustee of the bankruptcy named in the certificate; and such certificate shall be conclusive evidence of the appointment of the trustee, and such appointment shall date from the date of the certificate.

Real and personal estate of bankrupt to vest in trustee.

91. Upon the granting of such certificate all the estate, both real and personal, of the bankrupt shall be divested out of the official assignees, and shall be vested in the said trustee as fully as if such trustee were the assignees under any bankruptcy.

Remuneration to official assignee for services before appointment of trustee.

92. At the time of making any such order as aforesaid, or at any time thereafter, the Court may order to be paid out of the bankrupt's estate to the official assignee as a remuneration for his services (if any) from the date of the adjudication to the making of such order such fee or fees as shall upon consideration of the circumstances of the case appear to be just and reasonable, and as shall be authorised by this Act.

Conduct of bankrupt.

93. From and after the making of any such order as aforesaid the bankrupt shall, to the utmost of his power, aid the trustee in the realisation of his property and the distribution of the proceeds thereof amongst his creditors. He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend such meetings of his creditors, wait at such times on the trustee, execute such powers of attorney, conveyances, deeds, and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the trustee, or may be prescribed by rules of Court, or be directed by the Court by any special order or orders made in reference to any particular bankruptcy, or made on the occasion of any special application by the trustee or any creditor.

If the bankrupt wilfully fail to perform the duties imposed on him by this section, or if he fail to deliver up possession to the trustee of any part of his property, which is divisible amongst his creditors under this Act, and which may for the time being be in the possession or under the control of such bankrupt, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly.

Conduct of trustee, and appeal to Court against trustee.

94. The trustee shall, in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors, have regard to any directions that may be given by resolution of the creditors at any general meeting, or by the committee of inspection, and any directions so given by the creditors at any general meeting shall be deemed to override any directions given by the committee of inspection; the trustee shall call a meeting of the committee of inspection once at least every three months, when they shall audit his accounts, and determine whether any or what dividend is to be paid; he may also call special meetings of the said committee as he thinks necessary.

Subject to the provisions of this Act, and to such directions as aforesaid, the trustee shall exercise his own discretion in the management of the estate, and its distribution amongst the creditors. The trustee may from time to time summon general meetings of the creditors for the purpose of ascertaining their wishes; he may also apply to the Court, in manner prescribed, for directions in relation to any particular matter arising under the bankruptcy.

The bankrupt, or any creditor, debtor, or other person aggrieved by any act of the trustee, may apply to the Court, and the Court may confirm, reverse, or modify the act complained of, and make such order in the premises as it thinks just. The Court may from time to time, during the continuance of a bankruptcy, summon general meetings of the creditors for the purpose of ascertaining their wishes, and may, if the Court thinks fit, direct one of the registrars of the Court to preside at such meetings.

Regulations as to general meetings of creditors subsequent to first meeting.

95. The provisions of this Act with respect to the first general meeting of creditors shall apply to any subsequent general meeting of creditors in a bankruptcy, being wound up by a trustee and a committee of inspection, with this exception, that subsequent meetings of creditors may be summoned by the trustee, or by a member of the committee of inspection, and that such meetings may, unless otherwise directed by the Court in the case of meetings summoned by the Court, be presided over by any person chosen by the creditors assembled at such meeting, and that any creditor whose debt has been proved, or the value of whose debt has been ascertained at or subsequently to such first meeting, shall be allowed to be present and to vote thereat.

Trustee to keep books.

96. The trustee shall, as soon as may be, take possession of the deeds, books, and documents of the bankrupt, and all other property capable of manual delivery. The trustee shall keep, in such manner as rules of Court shall direct, proper books, in which he shall from time to time make or cause to be made entries or minutes of proceedings at meetings, and of such other matters as rules of Court shall direct, and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent inspect such books.

Disclaimer as to onerous property.

97. When any property of the bankrupt required by the assignees under the said Act, as amended by this Act, or by the trustee under this Act, consists of land of any tenure burdened with onerous covenants, of unmarketable shares in companies, of unprofitable contracts, or of any other property that is unsaleable, or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the assignees or trustee, notwithstanding that they or he have or has endeavoured to sell, or have or has taken possession of such property, or exercised any act of ownership in relation thereto, may, by writing under their or his hands or hand, disclaim such property, and upon the execution of such disclaimer, the property disclaimed shall, if the same is a contract, be deemed to be determined from the date of the order of adjudication, and if the same is a lease, be deemed to have been surrendered on the same date, and if the same be shares in any company, be deemed to be forfeited from that date, and if any other species of property, it shall revert to the person entitled on the determination of the estate or interest of the bankrupt, but if there shall be no person in existence so entitled, then in no case shall any estate or interest therein remain in the bankrupt. Any person interested in any disclaimed property may apply to the Court, and the Court may, upon such application, order possession of the disclaimed property to be delivered up to him, or make such other order as to the possession thereof as may be just.

Any person injured by the operation of this section shall be deemed a creditor of the bankrupt to the extent of such injury, and may accordingly prove the same as a debt under the bankruptcy.

Limitation of time for disclaimer.

98. The assignees or trustee shall not be entitled to disclaim any property in pursuance of this Act in cases where an application in writing has been made to them or him by any person interested in such property, requiring such assignees or trustee to decide whether they or he will disclaim or not, and the assignees or trustee have or has for a period of not less than twenty-eight days after the receipt of such application, or such further time as may be allowed by the Court, declined or neglected to give notice whether he disclaims the same or not.

Power of trustee to receive and decide on proof of debts.

99. Subject to the provisions of this Act, the trustee shall have power to receive and decide upon proof of debts in the prescribed manner, and for such purpose to administer oaths.

Power to allow bankrupt to manage property.

100. The trustee may appoint the bankrupt himself to superintend the management of the property, or of any part thereof, or to carry on the trade of the bankrupt (if any) for the benefit of the creditors, and in any other respect to aid in administering the property in such manner and on such terms as the creditors direct.

Power of trustee to compromise, &c.

101. The trustee may, with the sanction of the committee of inspection, do all or any of the following things:

(1.) Mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts:

(2.) Refer any dispute to arbitration, compromise all debts, claims, and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any debtor or person who may have incurred any liability to the bankrupt, upon the receipt of such sums, payable at such times, and generally upon such terms as may be agreed upon:

(3.) Make such compromise or other arrangement as may be thought expedient with creditors or persons claiming to be creditors in respect of any debts provable under the bankruptcy:

(4.) Make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the trustee by any person or by the trustee on any person:

(5.) To divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot advantageously be realised by sale.

The sanction given for the purposes of this section may be a general permission to do all or any of the above-mentioned things or a permission to do all or any of them in any specified case or cases.

Power of trustee to accept composition or general scheme of arrangement.

102. The trustee may, with the sanction of a special resolution of the creditors assembled at any meeting of which notice has been given specifying the object of such meeting, accept any composition offered by the bankrupt, or assent to any general scheme of settlement of the affairs of the bankrupt upon such terms as may be thought expedient, and with or without a condition that the order of adjudication is to be annulled, subject nevertheless to the approval of the Court, to be testified by the judge of the Court signing the instrument containing the terms of such composition or scheme, or embodying such terms in an order of the Court.

Where the annulling the order of adjudication is made a condition of any composition with the bankrupt or of any general scheme for the liquidation of his affairs, the Court, if it approves of such composition or general scheme, shall annul the adjudication on an application made by or on behalf of any person interested, and the adjudication shall be annulled from and after the date of the order annulling the same.

The provisions of any composition or general scheme made in pursuance of this Act may be enforced by the Court on a motion made in a summary manner by any person interested, and any disobedience of the order of the Court made on such motion shall be deemed to be a contempt of Court. The approval of the Court shall be conclusive as to the validity of any such composition or scheme, and it shall be binding on all the creditors so far as relates to any debts due to them and provable under the bankruptcy.

Trustee, if a solicitor, may be paid for services.

103. A trustee shall not, without the consent of the committee of inspection, employ a solicitor or other agent, but where the trustee is himself a solicitor he may contract to be paid a certain sum by way of per-centage or otherwise as a remuneration for his services as trustee, including all professional services, and any such contract shall, notwithstanding any law to the contrary, be lawful.

Trustee to pay moneys into bank.

104. The trustee shall pay all sums from time to time received by him into such bank as the majority of the creditors in number and value at any general meeting shall appoint, and failing such appointment into the Bank of Ireland; and if he at any time keep in his

hands any sum exceeding fifty pounds for more than ten days, he shall be subject to the following liabilities; that is to say,—

(1.) He shall pay interest at the rate of twenty pounds per centum per annum on the excess of such sum above fifty pounds as he may retain in his hands:

(2.) Unless he can prove to the satisfaction of the Court that his reason for retaining the money was sufficient, he shall, on the application of any creditor, be dismissed from his office by the Court, and shall have no claim for remuneration, and be liable to any expenses to which the creditors may be put by or in consequence of his dismissal.

Proof of debts before trustee.

105. All debts provable in bankruptcy under the said Act or this Act may be proved in the prescribed manner before the trustee, and the several provisions of the said Act and this Act as to the proof and ascertainment of debts, and the nature, amount, and relative priorities of same, shall extend and be applicable to all debts which shall be proved before such trustee.

An estimate shall be made according to the rules of the Court for the time being in force, so far as the same may be applicable, and when they are not applicable at the discretion of the trustee, of the value of any debt, provable as aforesaid, which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value.

Any person aggrieved by any estimate made by the trustee as aforesaid may appeal to the Court, and the Court may thereupon ascertain such value, or direct such value to be assessed in the manner provided by the said Act or this Act.

Allowance to bankrupt for maintenance or service.

106. The trustee, with the consent of the creditors, testified by a resolution passed in general meeting, may from time to time, during the continuance of the bankruptcy, make such allowance as may be approved by the creditors to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services if he is engaged in winding up his estate.

Distribution of dividends.

107. The trustee shall from time to time, when the committee of inspection determines, declare a dividend amongst the creditors who have proved to his satisfaction debts provable in bankruptcy, and shall distribute the same accordingly; and in the event of his not declaring a dividend for the space of six months, he shall summon a meeting of the creditors, and explain to them his reasons for not declaring the same.

Provision for creditors residing at a distance, &c.

108. In the calculation and distribution of a dividend it shall be obligatory on the trustee to make provision for debts provable in bankruptcy appearing from the bankrupt's statements, or otherwise, to be due to persons resident in places so distant from the place where the trustee was acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts provable in bankruptcy, the subject of claims not yet determined.

Right of creditor who has not proved debt before declaration of a dividend.

109. Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any moneys for the time being in the hand of the trustee any dividend or dividends he may have failed to receive before such moneys are made applicable to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

Final dividend.

110. When the trustee has converted into money all the property of the bankrupt, or so much thereof as can, in the joint opinion of himself and of the committee of inspection, be realised without needlessly protracting the bankruptcy, he shall declare a final dividend, and give notice of the time at which it will be distributed.

Bankrupt entitled to surplus.

111. The bankrupt shall be entitled to any surplus remaining after payment of his creditors, and of the costs, charges, and expenses of the bankruptcy.

No action for dividend.

112. No action or suit for a dividend shall lie against the trustee, but if the trustee refuses to pay any dividend the Court may, if it thinks fit, order the trustee to pay the

same, and also to pay out of his own moneys interest thereon for the time that it is withheld, and the costs of the application.

Close of bankruptcy.

113. When the whole property of the bankrupt has been realised for the benefit of his creditors, or so much thereof as can, in the joint opinion of the trustee and committee of inspection, be realised without needlessly protracting the bankruptcy, or a composition or arrangement has been completed, the trustees shall make a report accordingly to the Court, and the Court, if satisfied that the whole of the property of the bankrupt has been realised for the benefit of his creditors, or so much thereof as can be realised without needlessly protracting the bankruptcy, or that a composition or arrangement has been completed, shall make an order that the bankruptcy has closed, and the bankruptcy shall be deemed to have closed at and after the date of such order.

A copy of the order closing the bankruptcy may be published in the Dublin Gazette, and the production of a copy of such gazette containing a copy of the order, shall be conclusive evidence of the order having been made, and of the date and contents thereof.

Release of trustee.

114. When the bankruptcy is closed the trustee shall call a meeting of the creditors to consider an application to be made to the Court for his release. At the meeting the trustee shall lay before the assembled creditors an account showing the manner in which the bankruptcy has been conducted, with a list of the unclaimed dividends, if any, and of the property, if any, outstanding, and shall inform the meeting that he proposes to apply to the Court for a release.

The creditors assembled at the meeting may express their opinion as to the conduct of the trustee, and they, or any of them, may appear before the Court, and oppose the release of the trustee.

The Court, after hearing what, if anything, can be urged against the release of the trustee, shall grant or withhold the release accordingly, and if it withhold the release shall make such order as it thinks just, charging the trustee with the consequences of any act or default he may have done or made contrary to his duty, and shall suspend his release until such charging order has been complied with, and the Court thinks just to grant the release of the trustee.

Duty of trustee as to unclaimed dividends and outstanding property.

115. Unclaimed dividends, and any other moneys arising from the property of the bankrupt, remaining under the control of the trustee at the close of the bankruptcy of any bankrupt, or accruing thereafter, shall be accounted and paid over to the "unclaimed dividend account," in the same manner in all respects as if same were unclaimed dividends in a bankruptcy under the said Act; and same shall be subject to the like orders and be applied for the same purposes as are mentioned in the said Act. The trustee shall also deliver a list of any outstanding property of the bankrupt to the prescribed persons, and the same shall, when practicable, be got in and applied for the benefit of the creditors in manner prescribed.

Effect of release of trustee.

116. The order of the Court releasing the trustee of a bankruptcy shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as trustee of such bankrupt; but such order may be revoked by the Court on proof that it was obtained by fraud.

Certified statement of accounts to be forwarded to Court.

117. The trustee having had his quarterly statement of accounts audited by the committee of inspection, shall, within the prescribed time, forward the certified statement in the prescribed form to such officer of the Court as the Court may from time to time direct.

Return of accounts by trustee.

118. Every trustee of a bankrupt shall from time to time, as may be prescribed, and not less than once in every year during the bankruptcy, transmit to such officer a statement showing the proceedings in such bankruptcy up to the date of the statement containing the prescribed particulars, and made out in the prescribed form; and any trustee failing to transmit accounts in compliance with this section shall be deemed guilty of a contempt of Court, and be punishable accordingly.

Accounts to be examined.

119. The officer to whom the said statements shall be transmitted as aforesaid shall examine the same, and shall call the trustee to account for any misfeasance, neglect, or omission which may appear on such statements, and may require the trustee to make good any loss the estate of the bankrupt may have sustained by such misfeasance, neglect, or omission. If the trustee fail to comply with such requisition of such officer, such officer may report the same to the Court; and the Court, after hearing the explanation, if any, of the trustee, shall make such order in the premises as it thinks just.

Powers of officer to whom accounts are transmitted.

120. The said officer may at any time require any trustee to answer any inquiry made by him in relation to any bankruptcy in which such trustee is engaged, and may, if he think fit, apply to the Court to examine on oath such trustee or any other person concerning such bankruptcy; he may also direct a local investigation to be made of the books and vouchers of the trustees.

Regulations as to trustees, &c.

121. The following regulations shall be made with respect to the trustee and committee of inspection:

(1.) The creditors may, if they think fit, appoint more persons than one to the office of trustee, and where more than one are appointed, they shall declare whether any act required or authorised to be done by the trustee is to be done by all or any one or more of such persons, but all such persons are in this Act included under the term "trustee," and shall be joint tenants of the property of the bankrupt. The creditors may also appoint persons to act as trustees in succession in the event of one or more of the persons first named declining to accept the office of trustee:

(2.) If any vacancy occur in the office of trustee by death, resignation, or otherwise, the creditors in general meeting shall fill up such vacancy, and a general meeting for the purpose of filling up such vacancy may be convened by the continuing trustee, if there be more than one, or by the Court on the requisition of any creditor:

(3.) The Court may, upon cause shown, remove any trustee. The creditors may, by special resolution at a meeting specially called for that purpose, of which seven days notice has been given, remove the trustee and appoint another person to to fill his office, and the Court shall give a certificate declaring him to be the trustee:

(4.) If a trustee be adjudged bankrupt, he shall cease to be trustee, and the court shall, if there be no other trustee, call a meeting of creditors for the appointment of another trustee in his place:

(5.) The property of the bankrupt shall pass from trustee to trustee, and shall vest in the trustee for the time being during his continuance in office, without any conveyance, assignment, or transfer whatever:

(6.) The trustee of a bankrupt may sue and be sued by the official name of "the trustee of the property of a bankrupt," inserting the name of the bankrupt, and by that name may hold property of every description, make contracts, sue and be sued, enter into any engagements binding upon himself and his successors in office, and do all other Acts necessary or expedient to be done in the execution of his office:

(7.) The certificate of appointment of a trustee shall, for all purposes of any law in force in any part of the United Kingdom or in any of the dominions of Her Majesty, requiring registration, enrolment, or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled, and recorded accordingly:

(8.) Any member of the committee of inspection may resign his office by notice in writing signed by him, and delivered to the trustee:

(9.) The creditors may by resolution fix the quorum required to be present at a meeting of the committee of inspection:

(10.) Any member of the committee of inspection may also be removed by a special resolution at any meeting of creditors of which the prescribed notice has been given, stating the object of the meeting:

(11.) On any vacancy occurring in the office of a member of the committee of inspection by removal, death, resignation, or otherwise, the trustee shall convene a meeting of creditors for the purpose of filling up such vacancy:

(12.) The continuing members of the committee of inspection may act, notwithstanding any vacancy in their body; and where the number of members of the committee of inspection is for the time being less than five, the creditors may increase that number, so that it do not exceed five:

(13.) No defect or irregularity in the election of a trustee or of a member of the committee of inspection shall vitiate any act bonâ fide done by him; and no act or proceeding of the trustee or of the creditors shall be invalid by reason of any failure of the creditors to elect all or any members of the committee of inspection:

(14.) If a member of the committee of inspection become a bankrupt his office shall thereupon become vacant:

(15.) Where there is no committee of inspection, any act or thing or any direction or consent by this Act authorised or required to be done or given by such committee may be done or given by the Court on the application of the trustee.

Court to have jurisdiction notwithstanding order to wind up by trustee, &c.

122. Where an order is made for winding up the bankrupt's estate by a trustee and committee of inspection, the Court shall, notwithstanding such order, but subject to the provisions and restrictions aforesaid, have the same powers and authorities and may make such orders, give such directions, and do all such matters and things with respect to the bankrupt, his schedule, creditors, property, debtors to his estate, and certificate, or as to the trial or directing the prosecution of such bankrupt, or as to the examination of witnesses as in proceedings in bankruptcy heard before such Court under the said Act as amended by this Act.

Evidence.

Penalty on person giving false evidence.

123. Any person who shall, upon any examination upon oath or affirmation, or in any affidavit, deposition, or declaration, or solemn affirmation, authorised or directed by the said Act as amended by this Act, or by this Act, wilfully and corruptly give false evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the penalties of wilful and corrupt perjury.

General Orders.

General order to be made.

124. The judges of the Court shall, on or before the first day of January one thousand eight hundred and seventy-three, and from time to time thereafter, make such general orders as they may think fit for the effectual execution of this Act, and of the objects thereof, and may from time to time alter or revoke such orders, but no such general orders shall be of any force or effect until approved of by the Lord Chancellor.

Any general rules made as aforesaid may prescribe regulations as to the service of summonses and orders, including provisions for substituted service; as to the valuing of any debts provable in a bankruptcy; as to the valuation of securities held by creditors; as to the giving or withholding interest or discount on or in respect of debts or dividends; as to the funds out of which costs are to be paid, the order of payment, and the amount and taxation thereof; and as to any other matter or thing, whether similar or not to those above enumerated, in respect to which it may be expedient to make rules for carrying into effect the objects of this Act; and any rules so made shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if they were enacted in the body of this Act.

Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting; and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament, and any rules so made shall be judicially noticed.

Until rules have been made in pursuance of this Act, and so far as such rules do not extend, the principles, practice, and rules on which courts having jurisdiction in bankruptcy in Ireland have heretofore acted in dealing with bankruptcy proceedings shall be observed by any Court having jurisdiction in bankruptcy cases under this Act.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Sections of the Irish Bankrupt and Insolvent Act, 1857, repealed.

Sections 35, 50, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 117, 133, 134, 143, 144, 145, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 264, 284, 338, 339, 352, 376, 377, 378, 380, 381, 382, 384, 393, 394.

SCHEDULE (B.)

Certificate of Conformity.

Court of Bankruptcy in Ireland.

In the matter of *A.B.* of a bankrupt.

WHEREAS the said *A.B.* of was on the day of duly adjudged and declared a bankrupt, and the said bankrupt has made a full disclosure and discovery of his estate and effects and in all things conformed, and so far as the Court can judge there doth not appear any reason to question the truth or fulness of such discovery.

Now this is to certify that on the day of in the year of our Lord one thousand eight hundred and , at the Court of Bankruptcy in Dublin, at a public sitting held for the allowance of this certificate to the said bankrupt, and having regard to the conformity of the said bankrupt to the law of bankruptcy [and to his conduct as a trader before as well as after his bankruptcy],* the Court did then and there find the said bankrupt entitled to such certificate [at the expiration of from]†, and did allow the same.

Given under the seal of the Court at the Court of Bankruptcy in Ireland this day of one thousand eight hundred and .

Signed and sealed in the presence of

A.B. (L.S.)
Judge.

* In the case of a non-trader the portion between brackets is to be omitted.
† In a case where an immediate certificate is granted the portion between brackets is to be omitted.

SCHEDULE (C.)

Certificate to arranging Debtor.

Court of Bankruptcy in Ireland.

WHEREAS *A.B.* of , a debtor, unable to meet his engagements with his creditors, did on the day of present his petition to the Court under the provisions of "The Irish Bankrupt and Insolvent Act, 1857," and "The Bankruptcy (Ireland) Amendment Act, 1872," praying that a certain proposal or such modification thereof as by three-

fifths in number and value of his creditors might be determined should be carried into effect, under the superintendence and control of the said Court; and whereas the Court acting in the matter of the said petition caused such sittings of the Court to be held as are directed by the said Acts; and whereas a certain resolution or agreement was duly assented to at such sittings which the Court thinking to be reasonable and proper to be executed under the direction of the said Court caused to be filed and entered of record therein; and whereas the said resolution or agreement has been fully carried into effect, the Court doth certify the several matters aforesaid, this day of , 18 .

A.B. (L.S.)
Judge.

CHAPTER 59.

An Act to amend Paragraph Three of the Second Schedule of the Elementary Education Act, 1870. [6th August 1872.]

33 & 34 Vict. c. 75.

WHEREAS by paragraph three of the Second Schedule of the Elementary Education Act, 1870, it is provided as follows: "An order made by the Education Department "under the power contained in this part of this Schedule shall, as regards any election "held before the first day of September one thousand eight hundred and seventy-one, "be deemed to be within the powers of this Schedule, and to have been duly made and "have effect as if it were enacted in this Schedule, but shall not be of any force as re-"gards any election after the said date unless it has been confirmed by Parliament:"

And whereas by the Elementary Education (Elections) Act, 1871, the words "one thousand eight hundred and seventy-two" were substituted for the words "one thousand eight hundred and seventy-one" in the above-recited provision:

Be it 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, as follows:

Alteration of date in 33 & 34 Vict. c. 75. sch. 2.

1. The words "one thousand eight hundred and seventy-three" shall be substituted for the words "one thousand eight hundred and seventy-one" in the recited part of the Second Schedule of the Elementary Education Act, 1870.

Short title.

2. This Act may be cited as "The Elementary Education (Elections) Act, 1872."

CHAPTER 60.

An Act for the better prevention of Corrupt Practices at Municipal Elections, and for establishing a Tribunal for the trial of the validity of such Elections. [6th August 1872.]

WHEREAS it is expedient to make provision for the better prevention of corrupt practices at municipal elections, and for establishing a tribunal for the trial of the validity of such elections:

Be it 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, as follows:

Preliminary.

Short title.

1. This Act may be cited for all purposes as the "Corrupt Practices (Municipal Elections) Act, 1872."