ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 74.

An Act for the more effectually carrying into Execution the ſeveral Acts therein mentioned, for the Relief of the Creditors of certain Banks lately kept in the City of *Dublin*, called *Burtons* Banks.

[11th *June* 1803.]

7 Geo. 2.—Act paſſed in *Ireland*, veſting the Property of the Banks in Truſtees for the Benefit of Creditors.

WHEREAS by an Act of Parliament, made in that Part of the United Kindom called *Ireland*, in the ſeventh Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the Relief of the Creditors of the Bank lately kept by* Samuel Burton *and* Daniel Falkiner, *and of the Creditors of the Bank lately kept by* Benjamin Burton, Samuel Burton, *and* Daniel Falkiner, *and of the Creditors of the Bank lately kept by* Benjamin Burton *and* Samuel Burton, *and of the Creditors of the Bank lately kept by* Benjamin Burton *and* Francis Harriſon; all and ſingular theManors, Lands, Tenements, and Hereditaments, Rents, Reverſions, Remainders, Uſes, and Truſts, which the ſaid *Francis Harriſon*, *Benjamin Burton*, *Samuel Burton*, and *Daniel Falkiner*, or any or either of them, was or were at the reſpective Times therein mentioned, ſeized of or entitled unto, in Fee Simple or Fee Tail, or for Life or Lives, either in Law or Equity, and all Debts which had not theretofore been *bonà fide* paid or diſcharged, and were due and owing to them, or any or either of them at the reſpective Times therein mentioned, or which they or any or either of them was or were entitled unto; and likewiſe all other the Eſtate Real and Perſonal, which they or any or either of them was or were ſeized, poſſeſſed of, intereſted in, or entitled unto at the reſpective Times therein mentioned, except

ſuch Sum or Sums of Money as had before the Time of paſſing that Act been really and *bonâ fide* applied to the Payment of their or either of their Debts, or ſuch Part of their or either of their Perſonal Eſtate as had been *bonâ fide* or for valuable Conſideration ſold, were veſted in the Seizin and Poſſeſſion of the Right Honourable *Henry Boyle*, then Speaker of the Houſe of Commons in *Ireland*, and Chancellor of His Majeſty's Exchequer in *Ireland*, and afterwards Earl of *Shannon*, the Right Honourable *Thomas Marley*, Eſquire, Lord Chief Baron of His Majeſty's Court of Exchequer in *Ireland*, the Honourable *Michael Ward*, Eſquire, one of the Juſtices of His Majeſty's Court of King's Bench in *Ireland*, the Honourable *John Wainwright*, then one of the Barons of His Majeſty's Court of Exchequer in *Ireland*, the Honourable *Robert Lindſay*, then one of the Juſtices of His Majeſty's Court of Common Pleas in *Ireland*, the Honourable *Henry Singleton*, then His Majeſty's Prime Serjeant at Law in *Ireland*, the Honourable *John Bowes*, then His Majeſty's Solicitor General in *Ireland*, *Eaton Stannard*, Eſquire, then Recorder of the City of *Dublin*, *William Veſey* and *Thomas Trotter*, Eſquires, then Two of the Maſters of His Majeſty's High Court of Chancery in *Ireland*, and *Boleyn Whitney*, then of the City of *Dublin*, Eſquire, all ſince deceaſed, being Truſtees appointed to put the ſaid Act in Execution, their Heirs, Executors, and Adminiſtrators, which ſaid Truſtees, or any Three or more of them, were thereby authorized to ſell and diſpoſe of the ſaid Real and Perſonal Eſtates, or ſo much thereof as ſhould be neceſſary for the ſeveral Purpoſes therein after mentioned; and to call in, ſue for, or compound the ſaid Debts due to the ſaid *Benjamin Burton*, *Francis Harriſon*, *Samuel Burton*, and *Daniel Falkiner*, or to any or either of them, and to apply the Money ariſing thereby in ſuch Manner as is thereinafter directed (that is to ſay), in Truſt out of the Real and ſeparate Perſonal Eſtate of the ſaid *Francis Harriſon*, to raiſe ſo much as would ſatisfy all the ſeparate Debts of the ſaid *Francis Harriſon*, which were due at his Death; and alſo ſuch of the Partnerſhip Debts of the ſaid *Benjamin Burton* and *Francis Harriſon* as were due at the Death of the ſaid *Francis Harriſon*, and remained unpaid, and alſo a Moiety of ſo much Money as was paid after the Death of the ſaid *Francis Harriſon* and before the Death of the ſaid *Benjamin Burton*, by the ſaid *Benjamin Burton*, *Samuel Burton*, and *Daniel Falkiner*, or any or either of them, and the whole Money that had been paid ſince the Death of the ſaid *Benjamin Burton*, by the ſaid *Samuel Burton* and *Daniel Falkiner*, or either of them, towards the Satisfaction of the Partnerſhip Debts of the ſaid *Benjamin Burton* and *Francis Harriſon*, due at the Death of the ſaid *Francis Harriſon*, over and above what they the ſaid *Benjamin Burton*, *Samuel Burton* and *Daniel Falkiner*, or any or either of them had raiſed and received out of the ſaid Partnerſhip Effects of the ſaid *Benjamin Burton* and *Francis Harriſon*, which ſaid Money, when ſo raiſed, ſhould be applied to the Payment of the ſaid ſeparate Debts of the ſaid *Francis Harriſon*, and the Reſidue thereof ſhould be paid and applied in Manner thereinafter mentioned: And as to the Real and Perſonal Eſtates of the ſaid *Benjamin Burton*, *Samuel Burton*, and *Daniel Falkiner*, as well ſeparate as in Partnerſhip, in Truſt to apply the ſame in ſuch Manner as thereinafter was directed: And it was thereby further enacted, That the ſaid Truſtees ſhould apply ſo much of the Money thereby directed to be raiſed out of the Real and ſeparate Perſonal Eſtate of the ſaid *Francis Harriſon* as was before directed to be raiſed, to make good the Deficiency of the Partnerſhip Eſtate of the ſaid *Benjamin Burton* and *Francis Harriſon*, together with what ſhould by the ſaid Truſtees be raiſed out of the Real and Perſonal Eſtates of the ſaid *Benjamin Burton*,

Samuel

Samuel Burton, and *Daniel Falkiner*, either ſeparate or in Manner following, *videlicet*, To pay out of the reſpective ſeparate Eſtates of the ſaid *Benjamin Burton*, *Samuel Burton*, and *Daniel Falkiner* ſuch and ſo much of their reſpective ſeparate Debts, as the ſaid Truſtees ſhould determine to be juſt and reaſonable, and then to apply the Reſidue raiſed out of the Real and Perſonal Eſtates of the ſaid *Benjamin Burton*, *Samuel Burton*, and *Daniel Falkiner*, either ſeparate or in Partnerſhip, and ſo much as ſhould be raiſed out of the Real and Perſonal Eſtate of the ſaid *Francis Harriſon*, to make good ſuch Deficiency as aforeſaid, towards the Payment of all the outſtanding or unſatisfied Debts of the ſaid ſeveral Banks, rateably and in equal Proportions: And it was by the ſaid Act further enacted, That if there ſhould be any Overplus of the Money ariſing by the Sale or Produce of the ſeveral Real and Perſonal Eſtates, veſted in the ſaid Truſtees as aforeſaid, after the Performance of all the Truſts of the ſaid Act, the ſame ſhould go, belong, and be applied to and for the Uſe and Benefit of ſuch Perſon or Perſons who would have been entitled to the ſame, if the ſaid Act had never been made: And it is in and by the ſaid Act enacted, That no Perſon therein named a Truſtee, or who ſhould be nominated a Regiſter purſuant to that Act, ſhould be capable of acting as ſuch, or executing any of the Powers therein contained, until ſuch Time as he ſhould have taken the following Oath, *viz.* 'I, *A. B.* do ſwear, That I will faithfully and impartially, according to the beſt 'of my Skill and Knowledge, without any Reſpect, Favour, or Reward, 'or Affection to, for, or from any Perſon whatſoever, ſave only ſuch Re-'ward as is provided by this Act, execute the ſeveral Truſts repoſed in me 'by an Act of Parliament, intituled [here follows the Title of the Act]; 'and that I am not, to my Knowledge or Belief, any way intereſted or 'concerned, directly or indirectly, in any of the Claims, Demands, or other 'Matters or Things to be ſettled, adjudged, or determined by the ſaid Act.'

And whereas an Act, paſſed in that Part of the ſaid United Kingdom called *Ireland*, in the Ninth Year of the Reign of His ſaid late Majeſty, for continuing and amending the aforeſaid recited Act, and another Act paſſed in the ſaid Part of the ſaid United Kingdom, in the Twenty-fifth Year of the Reign of His ſaid late Majeſty, for the more effectually carrying into Execution the ſaid firſt recited Act, by taking away the Benefit of Pleading the Statutes of Limitations from the ſeveral Debtors to the ſaid ſeveral Banks, and to the ſaid ſeveral Bankers, and to enable the ſaid Creditors to make Compoſitions for their ſeveral Debts: And whereas by another Act of Parliament, made in the ſaid Part of the ſaid United Kingdom, in the Thirty-firſt Year of the Reign of His ſaid late Majeſty, for the more effectually carrying into Execution the ſaid firſt recited Act, reciting the ſaid ſeveral herein-before recited Acts; and alſo reciting, that the ſaid Truſtees did in Part execute the ſeveral Truſts by the ſaid Acts repoſed in them, and aſcertained the Sum to be raiſed out of the ſaid Eſtate of the ſaid *Francis Harriſon*, on Account of what was paid after the Death of the ſaid *Francis Harriſon* by the ſaid *Benjamin Burton*, and the ſucceeding Bankers, to the Sum of Forty-three Thouſand Four Hundred and Thirty-ſix Pounds Fifteen Shillings and Seven Pence; but had been obſtructed in the Execution of many of the ſaid Truſts, for ſeveral Years paſt, by tedious Suits in Equity, and other Controverſies, carried on by ſeveral of the Perſons intereſted in the ſaid Truſt, by Means whereof the Execution of the ſaid Acts of Parliament had taken up much longer Time than was foreſeen by the Legiſlature at the Time of paſſing the ſame: And alſo reciting, that the ſaid Truſtees

9 & 25 Geo. 2.—Amended Acts.

Benefit of the Statutes of Limitation taken from the Debtors to the Banks.

31 Geo. 2.—Further amended Act.

Truſtees had levied and raiſed out of the ſaid Eſtate of the ſaid *Francis Harriſon* a Fund ſufficient to ſatisfy the ſaid Sum of Forty-three Thouſand Four Hundred and Thirty-ſix Pounds, Fifteen Shillings and Seven Pence with Intereſt, and all Coſts and Expences chargeable on the ſaid Eſtate for paſſing and carrying into Execution the ſaid recited Acts, and alſo to ſatisfy all other the joint and ſeparate Debts of the ſaid *Francis Harriſon* decreed by them in Purſuance of the Powers and Authorities veſted in them by the ſaid Acts; and had, by Two ſeveral Payments, paid to the Creditors of the ſaid Banks Fifteen Shillings in the Pound of their principal Debts, and had alſo paid to the ſeparate Creditors of the ſaid Bankers their ſeveral unconteſted ſeparate Debts; and the ſaid Truſtees never received any Money which was raiſed out of all or any of the Eſtates veſted in them by the ſaid Act, but the ſame was paid into the Bank formerly kept by *Hugh Henry*, Eſquire, and Company, and then by *Henry Mitchell*, Eſquire, and Company: And alſo reciting, that by One other Act of Parliament, made in the Twenty-firſt Year of His Majeſty's Reign, to confirm and carry into Execution certain Articles of Agreement entered into by and between *Abraham Creighton*, Eſquire, on behalf of himſelf and others, and *William Todd*, Eſquire, on behalf of himſelf and others, it was enacted, That ſuch Part of the Real and Perſonal Eſtate of the ſaid *Francis Harriſon* as ſhould remain unſold or undiſpoſed of by the ſaid Truſtees, mentioned in the ſeveral recited Acts, after the full Execution of ſuch Parts of the ſaid ſeveral Acts ſo made for the Relief of the Creditors of the ſaid ſeveral Banks, in the ſaid recited Acts mentioned, as related to the ſaid Eſtates, Real and Perſonal, of the ſaid *Francis Harriſon*, ſhould be, and the ſame was and are thereby veſted in the Right Honourable *Somerſet Hamilton*, Lord Viſcount *Ikerrin*, then Earl of *Carrick*, the Honourable *Michael Ward*, One of the Juſtices of His Majeſty's Court of King's Bench, *Thomas Morgan* of the City of *Dublin*, Eſquire, then deceaſed, *David Giball*, of the ſaid City, Merchant, and *James Taylor*, of the ſame City, Merchant, and the Survivors and Survivor of them, and the Heirs, Executors, and Adminiſtrators of ſuch Survivor, in Truſt, and for the ſeveral Purpoſes therein mentioned: And alſo reciting, that there then remained unapplied by the ſaid Truſtees a large Sum of Money in the Bank kept by the ſaid *Henry Mitchell* and Company, Part of which Sum was raiſed out of the Eſtate of the ſaid *Francis Harriſon*, and Part out of the Eſtates of the ſaid other Bankers; and there alſo remained veſted in the ſaid Truſtees ſeveral unſatisfied Securities of the ſaid Bank, which amounted to a very conſiderable Value: And alſo reciting, that the ſeveral Truſts repoſed in the ſaid Truſtees, ſo far as the ſame related to the real and ſeparate Perſonal Eſtate and Effects of the ſaid *Francis Harriſon*, were fully executed, ſave only as to the Application of the Money raiſed and received by them out of the ſaid Eſtate, and remaining in the Hands of the ſaid *Henry Mitchell* and Company unapplied; but ſeveral of the Truſts repoſed in the ſaid Truſtees ſtill remained to be executed, and the then ſurviving Truſtees were reduced to Five in Number, who by their Years, or their reſpective Stations, were rendered incapable of acting further in any of the ſaid Truſts or Powers veſted in them by the ſaid Acts, by Means whereof there was a Stop put to the Execution of the ſaid Truſts and Powers, and the ſaid Securities and Effects remaining veſted in them were in manifeſt Danger of being loſt and rendered of no Effect to the Perſons intereſted, unleſs the ſaid Truſtees were diſcharged from the ſaid Truſts, and the ſaid Effects were veſted in other Perſons; for Remedy whereof,

and

and for the more effectually carrying the ſaid ſeveral recited Acts into Execution, it was thereby enacted, That all and every ſuch Part and Parts of the Lands, Tenements, Hereditaments, Rents, Reverſions, Remainders, Uſes, Truſts, and all ſuch Parts of the Eſtates, Real and ſeparate Perſonal Eſtate of the ſaid *Francis Harriſon*, which by the ſaid Act of the Seventh Year of His then Majeſty's Reign were veſted in the ſaid Truſtees, and which then remained unſold or uncollected by the Truſtees, named in the ſaid recited Act, ſhould be, and were thereby veſted and declared to be veſted in, and in the Seizin and Poſſeſſion of the ſaid *Earl Carrick*, *Michael Ward*, *David Giball*, and *James Taylor*, and the Survivors and Survivor of them, and the Heirs, Executors and Adminiſtrators of ſuch Survivor, in Truſt, and to and for the ſeveral Uſes, Intents, and Purpoſes in the ſaid Act of the Twenty-firſt Year of His then Majeſty's Reign mentioned, expreſſed, and appointed concerning the ſame. And it was (amongſt other Things) thereby further enacted, That all the Partnerſhip Effects of the ſaid *Francis Harriſon*, and all Sums of Money which had been by the ſaid Truſtees or their Agents collected or received out of the Eſtate and Effects of the ſaid *Francis Harriſon*, and which remained in the Hands of the ſaid Truſtees, their Bankers, or the Agents by them appointed; and all and every ſuch Part and Parts of the ſaid Lands, Tenements, Hereditaments, Rents, Reverſions, Remainders, Uſes, and Truſts, and all ſuch Parts of the Eſtates, Real and Perſonal, of the ſaid *Benjamin Burton*, *Samuel Burton*, and *Daniel Falkiner*, ſeparate or in Partnerſhip, which by the ſaid Act of the Seventh Year of His then Majeſty's Reign were veſted in the ſaid Truſtees named therein, and which then remained veſted in them, ſhould be veſted in *Joſeph Green*, *William Whittingham*, *Thomas Eyre*, *William Horton*, *John Hatch*, *William Daly*, *William Bull*, *John Abernetty*, and *George Knox*, Eſquires, being Aſſignees appointed for the Intents and Purpoſes in the ſaid now reciting Act after mentioned, their Heirs, Executors, and Adminiſtrators, in as full and ample Manner, to all Intents and Purpoſes, as the ſame were veſted in the ſaid Truſtees by the ſaid Act of the Seventh Year of His then Majeſty's Reign, to, for, and upon the ſame Uſes, Truſts, Intents, and Purpoſes, and ſubject to the ſame Powers and Proviſions as did then, in and by the ſaid recited Acts, ſtand limited, enacted, or declared of and concerning the ſame reſpectively: And it is by the ſaid now reciting Act (among other Things) enacted, That if any of the ſaid Aſſignees thereby appointed ſhould die before all the Truſts of the ſame Act ſhould be finally executed, the ſurviving Aſſignees, or the major Part of them, ſhould and might, by Writing under their Hands and Seals, nominate and appoint ſuch Perſon or Perſons as they ſhould think proper in the Room or Stead of the Aſſignee or Aſſignees ſo dead, which Perſon or Perſons ſo appointed ſhould be an Aſſignee or Aſſignees within the Intent and Meaning of the ſaid Act, as fully and effectually, to all Intents and Purpoſes, as if he or they had been therein-before expreſsly named and appointed an Aſſignee or Aſſignees: And whereas Five of the ſaid Aſſignees appointed by the ſaid laſt-recited Act having died, *William Burton* Eſquire, Sir *Joſeph Hoare* Baronet, ſince deceaſed, *Peter Metge* Eſquire, late One of the Barons of his Majeſty's Court of Exchequer in *Ireland*, *William Downes* Eſquire, now One of the Juſtices of his Majeſty's Court of King's Bench in *Ireland*, and *Dudley Huſſey* Eſquire, ſince deceaſed, were by a Majority of the ſurviving Aſſignees appointed Aſſignees in the Room of the Aſſignees ſo deceaſed: And whereas One other of the ſaid original Aſſignees having died, *George*

New Truſtees appointed.

Reasons for this Act.

Ponsonby, Esquire was appointed by Two of the said original Assignees, and by Five of the said Assignees so appointed since the passing of the said last-recited Act, in the Room of the Assignee so deceased: And whereas the Three other original Assignees, and Two of the Assignees so appointed since the passing of the said Act, are since dead, and *William Wynne*, *Henry Stewart*, *Thomas Burton Vandeleur*, and *Arthur Moore*, Esquires, were by Three of the Assignees so appointed, since the passing of the said Act, elected Assignees, in the Room of Four of the Assignees so dead. And whereas all the present Assignees, *viz.* the said *William Burton*, *Peter Metge*, *William Downes*, *George Ponsonby*, *William Wynne*, *Henry Stewart*, *Thomas Burton Vandeleur*, and *Arthur Moore*, have declined to take the Oath prescribed by the said Act of the Seventh of His late Majesty, and Three of them, *viz.* the said *Peter Metge*, *William Downes*, and *Thomas Burton Vandeleur*, are desirous of being discharged therefrom. And whereas many of the said Trusts still remain to be performed, but no Method is provided by the said Acts for the Execution thereof, upon the Failure or Refusal of Performance by the said Assignees, by Means whereof there is a Stop put to the Execution of the said Trusts and Powers, and the Property, Effects, and Securities of the said late Bankers so vested in Assignees by the said last recited Act, remain still unapplied and outstanding to a very large Amount, and are in manifest Danger of being lost, and rendered unproductive to the Persons interested, unless the said Assignees (except the said *William Wynne* and *Henry Stewart*, who are consenting to act) shall be discharged from the said Trusts, and the said Property, Effects, and Securities shall be vested in the said *William Wynne* and *Henry Stewart*, and other Persons, with further and more complete Powers, and subject to more effectual Regulations for the due Execution of the said Trusts. For Remedy whereof, and for the more effectually carrying into Execution the said recited Acts, Your Majesty's most dutiful and loyal Subjects, *William Robert*, Duke of *Leinster*, the Right Honourable *John* Lord *Norbury*, the Right Honourable *Lodge* Lord *Frankfort*, the Right Honourable *David Latouche* and Company, the Right Honourable *Owen Wynne*, Sir *Samuel Brooke* Baronet, *Francis Synge*, *John Finlay*, *Edward Litton*, *E. Andrews*, *William Giles*, *Timothy Sullivan*, *Robert Birch*, *David Pickering*, *Nicholas Magrath*, *Jacob Barrington*, *James Barrington*, *William Dawson*, *Joseph Huband*, *Pemberton Rudd*, *Benjamin Johnston*, *John Hunt*, *Arthur Thompson*, *William Thompson*, *John Barker*, *John Eayle*, *Isaac Espinasse*, *James Medlycott*, *Henry Howison*, *James Howison*, *Samuel Taylor*, *John Godley*, *John Sweeney*, and *Jeremiah Vicars*, Esquires, the Reverend Doctor *Edward Ledwich*, *Mary Ball*, *Elizabeth M'Mullen*, *Susanna Barrington*, *Mary White*, *Ann Barry*, *Mary Pountney*, *Jane Sarah Gibbins*, *Mary Christian*, *Anne Wrightson*, and *Frances Mecum*, being Creditors, or representing or claiming under Creditors of the said several Banks heretofore kept in *Dublin*, in behalf of themselves and of the other Creditors of the said Banks, do most humbly beseech Your Majesty, That it may be enacted, and be it enacted, by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every such Part and Parts of the Lands, Tenements, Hereditaments, Rents, Reversions, Remainders, Uses, Trusts, Debts, and Estates, Real and Personal, of the said *Benjamin Burton*, *Samuel Burton*, and *Daniel Falkiner*, separate, or in Partnership, and the Partnership Effects and Monies aforesaid of the said *Francis Harrison*, which by

The Property of the Banks now remaining vested in the old Trustees.

the

the ſaid recited Acts of the Seventh and Thirty-firſt Years of the Reign of his late Majeſty King *George* the Second, were veſted in the ſaid Truſtees or Aſſignees therein named, and which are now under and by Virtue of the ſaid Acts, or under Colour thereof, veſted in the Aſſignees ſo appointed as aforeſaid, or any of them, and which now remain unſold, uncollected, or unapplied; and alſo all and every ſuch Sum or Sums of Money, being Part of the ſaid Truſt Funds, as have been received and collected by the ſaid Truſtees and Aſſignees, or any of them; and all and every Security and Securities, for any and every Part of the ſaid Truſt Funds, executed to, or ſtanding out in the Names of, or inveſted in the ſaid Truſtees and Aſſignees, or any of them, and the Hereditaments and Premiſes comprized in ſuch Securities, and all Right, Title, and Intereſt in and to the ſame, be, and ſhall and are hereby declared to be veſted in the Seizin and Poſſeſſion of *Henry Stewart*, *William Wynne*, *Richard Harper*, *Joſeph Huband* and *Frederick Falkiner*, all of the City of *Dublin*, Eſquires, being Aſſignees hereby appointed for the Intents and Purpoſes herein-after mentioned, their Heirs, Executors, and Adminiſtrators, in as full and ample a Manner, to all Intents and Purpoſes, as the ſame were veſted in the ſaid Truſtees or Aſſignees, by the ſaid recited Acts: But upon and for the ſame Truſt, Intents, and Purpoſes, and ſubject to the ſame Powers and Proviſoes, and with the ſame Powers and Authority to the ſaid Aſſignees hereby appointed as do now, in and by the ſaid recited Acts ſtand limited, enacted, given or declared of, and concerning the ſame reſpectively, ſubject however to ſuch further and other Regulations, Limitations, and Proviſoes as are herein-after declared and enacted of and concerning the ſame.

Veſted in Five Truſtees hereby appointed.

II. And be it further enacted, That ſuch of the ſaid Aſſignees, appointed by Virtue or under Colour of the ſaid Act of the Thirty-firſt Year of the Reign of King *George* the Second, as are now living, do, and ſhall within Three Calendar Months after the Date of a Notice in Writing to be ſerved on them reſpectively for that Purpoſe, after the paſſing of this Act, deliver over or cauſe to be delivered over, by their Regiſter or Regiſters, Clerk or Clerks, Agent or Agents, or ſuch other Perſon or Perſons as ſhall or may have the Cuſtody thereof, all Books, Papers, Writings, Adjudications, Deeds, Securities, and Evidences, which are in their or any of their Cuſtody or Power, any way relating to the ſaid Real and Perſonal Eſtate of the ſaid Bankers, or to the Execution of the ſaid Truſts unto the ſaid Aſſignees hereby appointed, or to ſuch other Perſon or Perſons as ſhall or may hereafter be appointed in the Room or Stead of them, or any of them, or to any Three or more of them, or to ſuch other Perſon or Perſons as they or any Three or more of them by Writing under their Hands ſhall from Time to Time direct or appoint.

The old Truſtees to deliver all Papers, Writings, &c. to the Truſtees hereby appointed.

III. And be it further enacted, That the ſaid Aſſignees ſo appointed by Virtue or under Colour of the ſaid ſeveral recited Acts (except the ſaid *Henry Stewart* and *William Wynne*), and the Survivors and Survivor of them, and their and every of their Heirs, Executors, and Adminiſtrators, and the reſpective Heirs, Executors, and Adminiſtrators of the ſaid deceaſed Aſſignees and Truſtees, and the reſpective Eſtates Real and Perſonal of the ſaid ſeveral Truſtees and Aſſignees, be, and ſhall be and are hereby adjudged and declared to be, with reſpect to all Acts, Tranſactions, Matters, and Things, to be done after the paſſing of this Act, abſolutely

Old Truſtees diſcharged from the Truſts.

lutely freed and discharged of and from all and every the said Trusts and of and from all Claims and Demands whatsoever, that can or may be made to or upon them, or any of them, for, on Account, or by Reason or in Consequence of any Decree, Adjudication, Order, Opinion, or Direction, pronounced or given by the said Trustees and Assignees, or any of them, in Execution of the said recited Acts, or any of them; and also shall be, and are hereby adjudged and declared to be absolutely freed and discharged of and from all Claims and Demands whatsoever, which can or may be made to or upon them, or any of them, for or by Reason or in Consequence of the Neglect, Default, or Misbehaviour of any Person or Persons whatsoever employed by them, or any of them, in the Execution of the said recited Acts, or any of them; and also of and from all Claims and Demands whatsoever, which can or may be made to or upon them, or any of them, for or by Reason or in Consequence of the Neglect, Misbehaviour, or Insolvency of any Agent or Agents, Receiver or Receivers, Banker or Bankers, named, employed, or appointed by them, or any of them, to collect or receive all or any of the Debts due to the said Bankers, or any of them, or the Rents of the Estates of the said Bankers, or any of them, or the Money for which the Estates of the said Bankers, or any of them, was or were sold; and that in any Suit now depending, or which may arise or be instituted, either in Law or Equity, touching or concerning any of the Matters aforesaid, or any Part of the Real or Personal Estates by the said recited Acts vested, or intended to be vested in the said Trustees or Assignees thereby appointed, or the Disposal or Application thereof, or of any Part or Parts thereof, it shall not be necessary to make the said Trustees or Assignees hereby discharged from the said Trusts, or any of them, or their Heirs, Executors, or Administrators, or the Creditors of the said Bankers, or any of them, Parties (except where it shall be expedient to make any such Persons Defendants, in order to compel an Account of any Monies or Effects, subjected to the Trusts aforesaid, which have been by them respectively had or received); but that in all and every such Suit and Suits (except as aforesaid) the Assignees appointed, or those who may hereafter be appointed, under and by Virtue of this Act, shall be and stand in their Places; and that all Suits heretofore commenced, and now depending in any way relative to the Premises, may, by Leave of the respective Courts wherein such Suits depend, be prosecuted and defended in the Names of the same Assignees respectively.

Provision for Payment of Expences of the old and new Trustees.

IV. And be it further enacted, That the said Assignees so appointed, or who may hereafter be appointed by Virtue of this Act, or any Three or more of them, shall out of the Money which they shall receive out of the Estates, Real and Personal, hereby vested in them, pay and satisfy all the Costs and Expences preparatory to, and attending the applying for, and the obtaining and passing this Act, and all Disbursements relating thereto, and all such Poundage and Allowance as is provided by the said recited Acts for the said former Trustees or Assignees, for their undertaking the Trusts of the said Acts, and is now due to them, or any of them; and also all the Disbursements, Costs and Expences, which they or any of them have been at, and which remain unsatisfied, for or on Account of obtaining or carrying into Execution the said several former Acts, or any of them, and all Bill and Bills of Costs which remain due and unpaid to any Agent or Agents, Attorney or Attornies, Solicitor or Solicitors, heretofore nominated or appointed by the said Trustees or Assignees, under the said former Acts, or

by

by any Three or more of them, to profecute or defend any Suits at Law or in Equity, relative to the ſaid Eſtates, Real or Perſonal, thereby veſted, or intended to be veſted in them; and alſo all Coſts, Expences, and Diſburſements, which ſhall be paid, ſuſtained, or borne by the Aſſignees hereby appointed, or who may hereafter be appointed by Virtue of this Act, or any Three or more of them, in ſuing for, recovering, receiving, or defending the ſaid reſpective Eſtates and Effects, or otherwiſe carrying this Act into Execution.

Power for adjuſting the unſettled Accounts of the old Truſtees and their Agents, and compelling Payment of Balances.

V. And be it further enacted, That the ſaid Aſſignees hereby appointed, or ſuch Aſſignees as may hereafter be appointed by Virtue of this Act, or any Three or more of them, do and ſhall ſettle and adjuſt all and every Account and Accounts which are depending and unſettled between the ſaid Truſtees or Aſſignees appointed by the ſaid recited Acts, or any of them, and the ſeveral Agents and Receivers employed by them, or any of them, in calling in or recovering the ſeveral Rents ariſing out of the Eſtates of the ſaid Bankers, ſo veſted by the ſaid recited Acts in the ſaid Truſtees and Aſſignees, and all and every Account and Accounts depending and unſettled between the ſaid Truſtees or Aſſignees, or any of them, and the Banker or Bankers in whoſe Hands all or any Part of the Money ariſing out of or by Sale of all or any Part of the Real or Perſonal Eſtates ſo as aforeſaid veſted in the ſaid Truſtees or Aſſignees, has at any Time been depoſited; and it ſhall and may be lawful to and for the ſaid Aſſignees ſo hereby appointed, or ſuch Aſſignees as may hereafter be appointed by Virtue of this Act, to ſue for and compel ſuch Agent or Agents, Receiver or Receivers, Banker or Bankers, or any of them, to pay to the ſaid Aſſignees hereby appointed, or to ſuch Aſſignees as may hereafter be appointed by Virtue of this Act, or any Three or more of them, ſuch Balance or Balances as ſhall appear, upon ſettling or adjuſting the ſaid Accounts, to be due from them, or any of them reſpectively; and alſo to deliver up to the ſaid Aſſignees ſo appointed, or to ſuch Aſſignees as may ereafter be appointed by Virtue of this Act, or any Three or more of them, or to ſuch Perſon or Perſons as they or any Three or more of them ſhall under their Hands appoint, all Deeds, Evidences, Accounts, Securities, or Pleadings, relative to the Premiſes in their or any of their Hands, Cuſtody, or Power.

Power for recovering or compounding Debts, and obtaining Poſſeſſion of Lands.

VI. And be it further enacted, That the ſaid Aſſignees hereby appointed, or ſuch Aſſignees as may hereafter be appointed by Virtue of this Act, or any Three or more of them, ſhall and may call in and receive, or ſue for, recover, or compound, all or any of the Debts due on the Securities hereby veſted in them; and alſo take and receive, or ſue for and recover the Poſſeſſion of all or any of the Lands, Tenements, Hereditaments, and Premiſes hereby veſted in them or the Rents and Profits thereof; and that all Suits, either in Law or in Equity, for that Purpoſe, may be commenced and proſecuted in the Name or Names of any Perſon to be nominated in that behalf by the ſaid Aſſignees, or any Three or more of them, and to be authorized ſo to act by a Deed to be executed to him or them, by the ſaid Aſſignees, or any Three or more of them; and that all Proceedings in the Name or Names of ſuch Perſon or Perſons ſo to be nominated and authorized by Virtue of this Act, ſhall be as good and effectual, to all Intents and Purpoſes, as if ſuch Suits and Proceedings had been carried on in the Names of the ſaid Aſſignees, or any Three or more of them; and in Caſe of the Death or

Refuſal to act of any Perſon or Perſons ſo nominated and authorized, another Perſon or Perſons ſhall or may, from Time to Time, be nominated and authorized by the ſaid Aſſignees, or any Three or more of them, and ſuch Suit or Suits ſhall not abate by the Death or Removal of any ſuch Perſon or Perſons as ſhall or may be nominated and authorized by the ſaid Aſſignees, or any Three or more of them, but ſhall proceed in the Name or Names of ſuch other Perſon or Perſons as ſhall be nominated and authorized in Manner aforeſaid, in his and their Place and Places, upon obtaining a Rule or Rules for that Purpoſe in ſuch Court and Courts wherein ſuch Suit or Suits ſhall or may be inſtituted, which Rule and Rules ſuch Court and Courts are hereby authorized to grant upon an Application to be made to them for that Purpoſe by ſuch new Nominee or Nominees in a ſummary Way.

Power to appoint Agents.

VII. And be it further enacted, That the ſaid Aſſignees hereby appointed, or who may hereafter be appointed by Virtue of this Act, or any Three or more of them, ſhall and may nominate and appoint One or more Agent or Agents, Attorney or Attornies, Solicitor or Solicitors, to carry on ſuch Suits as ſhall be deemed neceſſary for calling in and recovering all or any of ſuch Debts, Eſtates or Effects, as aforeſaid; and alſo for defending the Aſſignees appointed, or who may hereafter be appointed under and by Virtue of this Act, or the Survivors or Survivor of them, againſt ſuch Suit or Suits as ſhall or may be commenced againſt them, or any of them, for or on Account of all or any of the Truſts hereby repoſed in them; and that the ſaid Aſſignees, or any Three or more of them, ſhall and may pay unto and remunerate, out of the ſaid Truſt Funds, ſuch Perſons ſo appointed, and ſuch other Perſon or Perſons as they ſhall find to be ſerviceable in carrying this Act and the former Acts into Execution, not only their uſual and accuſtomed Fees and Bills of Coſts, but alſo ſuch further Sum or Sums of Money as the ſaid Aſſignees, or any Three or more of them, ſhall think juſt and reaſonable for any extraordinary Trouble or Labour the Perſons ſo employed, or any of them, ſhall or may be put to in the Matters aforeſaid.

No Suit to be affected by any Statute of Limitations.

VIII. And be it further enacted, That no Suit or Suits, either at Law or in Equity, heretofore inſtituted by the Truſtees and Aſſignees acting under and by Virtue of the ſaid recited Acts, or which ſhall or may be hereafter proceeded on or inſtituted by the ſaid Aſſignees hereby appointed, or who hereafter may be appointed by Virtue of this Act, or any Three or more of them, or by any Perſon or Perſons acting for that Purpoſe under their Authority by Virtue of this Act, ſhall be any way affected by any Statute or Statutes of Limitations now ſubſiſting and in force in *Ireland*; and that the ſaid Aſſignees ſo appointed, or who hereafter may be appointed by Virtue of this Act, or any Three or more of them, or the Perſon or Perſons acting for that Purpoſe under their Authority by Virtue of this Act, ſhall be at Liberty, whilſt the ſame Eſtates, Securities, or Debts, or any of them, remain veſted in them, or any of them, by Virtue of this Act, to proceed in any Suit or Suits heretofore inſtituted, or to ſue for in Manner aforeſaid, and recover the ſaid Eſtates and the Rents thereof, and the Money ſecured by and due and owing on the ſaid ſeveral Securities, and the Debts due on them, or any of them, notwithſtanding any Statute or Statutes of Limitations made to the contrary; and that no Statute of Limitation ſhall be pleaded or inſiſted, or relied on, or in any way made uſe of, in any

any Court of Law or Equity, to bar or in any ſort affect the ſaid Eſtates, Securities or Debts, or any of them, whilſt the ſame or any of them have been veſted in the ſaid Truſtees or Aſſignees appointed by or acting under Colour of the ſaid herein-before recited Acts, or whilſt the ſame, or any of them, ſhall remain veſted in the ſaid Aſſignees ſo appointed, or who may hereafter be appointed by Virtue of this Act.

But not to extend to ſuch Benefit of the Statutes as exiſted at the Time of paſſing the firſt Act.

IX. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to bar, hinder, or prevent any Perſon whatſoever from having ſuch Benefit and Advantage of the Statutes of Limitations, or any of them, as ſuch Perſon had, or might have had at the Time of paſſing the ſaid firſt recited Act, in as ample and beneficial a Manner as if this Act had never been made.

Nor to Simple Contract Debts.

X. Provided alſo, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to prevent any Perſon from pleading all or any of the Statutes of Limitations, to any Action or Suit which ſhall be brought for Recovery of any Simple Contract Debt or Debts whatſoever, hereby veſted, or intended to be veſted in the ſaid Aſſignees ſo appointed, or who hereafter may be appointed by Virtue of this Act.

Truſtees anſwerable for their own Receipts only.

XI. And be it further enacted, That the ſaid Aſſignees ſo appointed, or who may hereafter be appointed by Virtue of this Act, ſhall be accountable only for what they ſhall reſpectively receive, and not one of them for the Receipts of the other or others of them; and that the ſaid Aſſignees, or any of them, ſhall not be accountable for any Sum or Sums of Money which they or any of them ſhall recover in Execution of the Powers and Truſts herein veſted in them, further than reſpects their own reſpective Acts and Deeds, and Defaults.

Sums received, amounting to 100l. to be lodged in the Bank of *Ireland*.

XII. Provided always, That he or they ſhall, from Time to Time, upon receiving, or having in their Hands any Sum or Sums of Money, amounting in the Whole, to the Sum of One Hundred Pounds *Iriſh* Currency, lodge the ſame in the Bank of *Ireland*, to the Credit of the Aſſignees appointed, or to be appointed by Virtue of this Act.

Proviſion in the former Acts as to Claims of Creditors; and Proceedings thereon.

XIII. And whereas, by the ſaid Act of the Seventh Year of the Reign of King *George* the Second, all and every the Creditor and Creditors of the ſaid Banks were thereby required to exhibit, on or before the Firſt Day of *January* in the Year One Thouſand Seven Hundred and Thirty-four, his, her, or their Claim and Claims, before the Truſtees in the ſame Act named, or any Three or more of them, who were thereby empowered and directed to receive, examine, and determine the ſame, before the Twenty-fifth Day of *March*, in the Year One Thouſand Seven Hundred and Thirty-ſix; and all Claimants, whoſe Claims ſhould not be determined by the ſaid Truſtees, or any Three or more of them, before the ſaid Twenty-fifth Day of *March* One Thouſand Seven Hundred and Thirty-ſix, were by the ſaid Act declared to be barred: And whereas, by the ſaid Act of the Ninth Year of the Reign of King *George* the Second, the Time for adjuſting and determining the Claims and Demands of the Creditors aforeſaid was enlarged to the Twenty-fifth Day of *December*

December in the Year One Thouſand Seven Hundred and Thirty-ſix: And whereas ſeveral Claims and Demands of the Creditors aforeſaid, were entered and exhibited, and Adjudications were made upon the ſame, within the Time ſo limited as aforeſaid: And whereas the Creditors, upon whoſe Claims and Demands ſuch Adjudications have been made, amount in number to Seven Hundred and Forty-three, and many of them obtained Adjudications for ſmall Demands, not exceeding the Sum of Five Pounds, in order therefore that the Aſſignees ſo appointed or who hereafter may be appointed by Virtue of this Act, may be enabled, within a reaſonable Time, to make Dividends of the Funds which ſhall or may come to their Hands, for the Benefit and Relief of the Creditors aforeſaid, his, her, or their Repreſentatives or Aſſignees: Be it further enacted, That no Creditor or Creditors, his, her, or their perſonal Repreſentative or Repreſentatives, whoſe reſpective Demands have been eſtabliſhed by the Adjudications aforeſaid, his, her, or their Aſſignee or Aſſignees, ſhall be entitled to any Dividend or Dividends of the Funds or Sums which ſhall or may come to the Hands of the Aſſignees aforeſaid, unleſs he, ſhe, or they ſhall, within Six Years next after the Date of a Notice to be inſerted in the *London* and *Dublin* Gazettes for that Purpoſe, as ſoon as conveniently may be after the paſſing of this Act, lodge his, her, or their Claim or Claims, before the ſaid Aſſignees hereby appointed, or who ſhall hereafter be appointed; and that all and every Creditors, his, her, and their perſonal Repreſentative and Repreſentatives, Aſſignee and Aſſignees, who ſhall omit or neglect to come in and eſtabliſh their Rights aforeſaid, within the Time for that Purpoſe herein-before limited ſhall be utterly barred of and from all Claim or Right to any Dividend or Dividends of the ſaid Eſtates, Effects, or Funds, which ſhall or may come to the Hands or Poſſeſſion of the ſaid Aſſignees appointed or to be appointed by Virtue of this Act, and ſhall not be entitled to any Benefit or Relief whatſoever under this Act, or any of the ſaid recited Acts.

Proviſions to the Claims of Creditors under this Act.

Limitation of Claims.

XIV. Provided always, That it ſhall and may be lawful to or for any Perſon or Perſons reſiding or being out of the Kingdom, to make their Claim or Claims purſuant to this Act, at any Time or Times within Seven and an Half Years from the paſſing this Act; and that all Claims for Infants, purſuant to this Act, ſhall and may be made by their Fathers or Guardians, or any other Perſon on their behalf; and all ſuch Claims of Femes Covert ſhall be made by their Huſbands; and all ſuch Claims of Madmen, Idiots, or Lunatics, by ſuch Perſon or Perſons under whoſe Care or Cuſtody they ſhall be at the Time of entering ſuch Claims.

Time and Place of Meeting to receive Claims, to be publiſhed in the Gazette.

XV. And be it further enacted, That the ſaid Aſſignees hereby appointed, or who may hereafter be appointed by Virtue of this Act, or any Three or more of them, ſhall, within Three Calendar Months after the paſſing of this Act, publiſh or cauſe to be publiſhed, for Three ſucceſſive Publications, in the *London* and *Dublin* Gazettes, and in One other *Dublin* Newſpaper, a Notice of this Act having paſſed, which ſhall contain the Names of the Perſons ſo appointed Aſſignees by this Act, and ſhall appoint a Time or Times, and Place, for the receiving Claims under this Act; and the ſaid Aſſignees, or any Three of them, ſhall, previous to any Meeting being held for the Purpoſe of making Adjudications upon ſuch Claims, or

making

making Dividends or Payments to any ſuch Claimants, cauſe Notice thereof to be given in the *London* and *Dublin* Gazettes, and in One other *Dublin* Newſpaper, of ſuch Meeting, ſpecifying the Time and Place of holding ſuch Meeting.

Claimants may appeal from the Determination of the Truſtees, to the Court of Chancery by Petition.

XVI. Provided always, and be it further enacted, That if any ſuch Claimant or Claimants ſhall think him, her, or themſelves, aggrieved by any Judgment or Determination of the ſaid Aſſignees ſo appointed, or who may hereafter be appointed by Virtue of this Act, or of any Three or more of them, of or concerning ſuch Claimants' reſpective Rights or Titles to receive the Sums ſo adjudged as aforeſaid, or Dividends thereon, then and in ſuch Caſe it ſhall and may be lawful to and for ſuch Claimant and Claimants, by Petition to the Lord Chancellor, Lord Keeper or Lords Commiſſioners for the Cuſtody of the Great Seal, or the Maſter, Keeper, or Guardian of the Rolls, for the time being in *Ireland*, at any Time within Thirty Days after ſuch Judgment or Determination pronounced, to appeal from ſuch Judgment or Determination; and the Judgments or Orders of ſuch Lord Chancellor, or Lords Commiſſioners, or ſuch Maſter, Keeper, or Guardian of the Rolls, on ſuch Petition or Petitions, and alſo the Judgments or Determinations of the ſaid Aſſignees, or any Three or more of them, if not reverſed upon ſuch Petition or Petitions, ſhall be final and concluſive to all Perſons concerned.

Truſtees enabled to appoint a Clerk or Book-keeper.

XVII. And be it further enacted, That the ſaid Aſſignees ſo appointed, or who may hereafter be appointed by Virtue of this Act, or any Three or more of them, by Writing under their Hands, ſhall and may nominate and appoint One or more Perſon or Perſons to act and officiate under them, during their Pleaſure, in the Capacity of Clerk or Book-keeper, for the like Purpoſes, and ſubject to the like Regulations and Proviſions, as is enacted concerning the ſame by the ſaid recited Act of the Thirty-firſt Year of the Reign of King *George* the Second; and that the ſaid Clerk or Clerks, Book-keeper or Book-keepers, ſhall have ſuch reaſonable Salary or Salaries, as the ſaid Aſſignees, or any Three or more of them, ſhall by Writing under their Hands direct and appoint, to be paid out of the Eſtates and Effects hereby veſted in the ſaid Aſſignees.

Allowance to the Truſtees for their Trouble.

XVIII. And be it further enacted, That the Sum of Three Pence in the Pound for each and every Sum of Money which ſhall be recovered or received by the ſaid Aſſignees ſo appointed, or who may hereafter be appointed by Virtue of this Act, out of the ſaid Eſtates and Effects hereby veſted in the ſaid Aſſignees hereby appointed as aforeſaid, over and above the Charges of obtaining this Act, and over and above all the other Coſts, Expences, and Diſburſements, attending the Execution of this Act, and the ſuing for, recovering, and defending the ſaid Eſtates and Effects, ſhall be allowed unto, and retained by the ſame Aſſignees, or ſuch of them as ſhall act therein, or in the Truſt hereby repoſed in them, as a Reward and Recompence for their Trouble in executing the Truſts of this Act.

Application of ſurplus Monies.

XIX. And be it further enacted, That if there ſhall be any Overplus of the Money ariſing by the Sale or Produce of the ſeveral Eſtates and Effects hereby veſted in the ſaid Aſſignees, after the Performance of all the ſaid Truſts relative to the ſaid Effects, reſpectively, the ſame ſhall go and belong,

belong, and be applied to and for the Uſe and Benefit of ſuch Perſon or Perſons as would have been entitled to the Surplus of the Funds from whence ſuch overplus Money ſhall have ariſen in Caſe this Act, or the ſaid former Acts, or any of them, had not been made.

Oath to be taken by the new Truſtees.

XX. And be it further enacted, That the ſaid Aſſignees ſo appointed, or who may hereafter be appointed by Virtue of this Act, and every of them, ſhall not be capable of acting as Aſſignee or Aſſignees in executing of any of the Powers, Authorities, or Truſts, given, granted, and created by this Act, until he and they reſpectively ſhall take an Oath to the Effect following; (that is to ſay),

'I *A. B.* do ſwear, That I will faithfully and impartially, according to 'the beſt of my Skill and Knowledge, without any Reſpect, Favour, 'Reward, or Affection to, for, or from any Perſon whatſoever, ſave only 'ſuch Reward as is provided by the Act herein-after mentioned, execute the 'ſeveral Truſts repoſed in me by an Act of Parliament paſſed in the Forty-'third Year of the Reign of His Majeſty King *George* the Third, intituled, '*An Act for the more effectually carrying into Execution the ſeveral Acts 'therein mentioned for the Relief of the Creditors of certain Banks lately kept 'in the City of* Dublin, *called* Burtons *Banks*.

'So help me GOD.'

Which Oath ſhall be adminiſtered by the Lord Chancellor, Lord Keeper, or Lords Commiſſioners for the Cuſtody of the Great Seal, or by the Maſter, Keeper, or Guardian of the Rolls for the Time being, or by One of the Maſters of the High Court of Chancery in *Ireland*; and which Oath ſhall be written on Parchment, and ſubſcribed by the Party taking the ſame, and ſhall, before the Party taking the ſame ſhall further proceed to put this Act in Execution, be enrolled in the Rolls Office of the Court of Chancery of *Ireland*.

Proviſions as to the Appointment of new Truſtees.

XXI. And be it further enacted, That the ſaid Aſſignees ſo appointed, or who may be hereafter appointed under and by Virtue of this Act, or any of them, ſhall be at Liberty to apply by Motion to the Lord Chancellor, Lord Keeper, or Lords Commiſſioners of the Great Seal, or the Maſter, Keeper, or Guardian of the Rolls in *Ireland*, for Leave to reſign his or their ſaid Office under this Act, and to be diſcharged from the Truſts repoſed in them; and the ſaid Lord Chancellor, Lord Keeper, or Lords Commiſſioners, or the Maſter, Keeper, or Guardian of the Rolls for the time being, are hereby authorized and empowered to accept the ſaid Reſignation and Reſignations, and to diſcharge the ſaid Aſſignee and Aſſignees from the ſaid Truſts, by a ſummary Order or Orders for that Purpoſe, upon ſuch Terms as ſhall be deemed fit and reaſonable; and upon ſuch Reſignation or Reſignations, or upon the Death of any of the ſaid Aſſignees ſo appointed, or of any of the Perſons who ſhall hereafter be appointed Aſſignees by Virtue of this Act, before the Truſts of this Act ſhall be fully executed, the ſurviving Aſſignees, or the major Part of them, ſhall, within One Calendar Month after the Acceptance of ſuch Reſignation and Reſignations, or the Death of ſuch Aſſignees or Aſſignee, elect ſuch Perſon or Perſons as they ſhall think proper as an Aſſignee or Aſſignees, in the Room of the ſaid Aſſignee or Aſſignees ſo dead, or who ſhall have ſo reſigned; and the ſaid Aſſignees who ſhall have made

made such Election, shall forthwith notify such Election to the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal, or the Master, Keeper, or Guardian of the Rolls in *Ireland*, who are hereby authorised and empowered to make an Order or Orders for confirming such Election, or to dispose thereof, and direct the said Assignees to proceed to another Election of an Assignee or Assignees; and the Person or Persons so chosen Assignee or Assignees, in Manner aforesaid, and whose Election shall be confirmed in Manner aforesaid, shall be an Assignee or Assignees of the Estates and Effects of the said Banks and Bankers, within the Intent and Meaning of this Act, as fully and effectually to all Intents and Purposes as if he or they had been hereby expressly named an Assignee or Assignees, and shall, by Force and Virtue of this Act, and of the said Order or Orders of Confirmation, and without any Deed or other Conveyance, have all the said Estates, Property, and Effects of the said Bank and Bankers, and all Real and Personal Estate whatsoever, then subjected to the Trusts hereby declared, vested in him or them alone, or jointly with the surviving or continuing Assignee or Assignees, and in their Heirs, Executors, Administrators, and Assigns, upon the like Trusts, and shall have the like Powers and Authorities, as are by this Act vested in or given unto the said Assignees herein-before particularly named and appointed, and their Heirs, Executors, Administrators, and Assigns.

Court of Chancery enabled to enforce the Delivery of Papers, &c. to the Trustees.

XXII. And be it further enacted, That in Case the Assignees appointed, or who may hereafter be appointed, under and by Virtue of this Act, shall be unable to procure from the said Assignees so discharged from their Trusts by Virtue of this Act, or from their Agents, Registers, Clerks, or other Officer or Officers employed by them, or from the Agents, Receivers, Clerks, or other Officer or Officers employed by or under any of the Trustees or Assignees, appointed under or by Virtue of any of the former Acts, the Books, Papers, Title Deeds, Securities, or other Documents in the Custody, Power, or Possession of them, or any of them, which any way concern or relate to the said Lands, Tenements, Hereditaments, and Real and Personal Estates, so heretofore vested or intended to be vested in the said Trustees and late Assignees, or which any way concern all or any of the Proceedings and Adjudications of the said Trustees, and the said late Assignees, in the Execution of the said Trusts reposed in them, by all or any of the said recited Acts, or any ways relating thereto, it shall and may be lawful to and for the Lord Chancellor, Lord Keeper, and Lords Commissioners for the Custody of the Great Seal, or for the Master, Keeper, or Guardian of the Rolls, for the Time being in *Ireland*, upon Complaint in that behalf made unto them by the Assignees appointed, or who may hereafter be appointed by Virtue of this Act, to make such summary Order or Orders as to them shall seem meet, for the Purpose of enforcing the Production and Delivery of such Books, Papers, Title Deeds, Securities, and other Documents, and such Proceedings and Adjudications as are hereinbefore mentioned.

Power given to the Court of Chancery upon Petition in a summary Way, to

XXIII. And be it further enacted, That in Case any of the said Creditors, or any other Person or Persons whatsoever, shall think himself, herself, or themselves in any Manner aggrieved by the Conduct of the said Assignees so appointed, or who may hereafter be appointed by Virtue of

make Orders as to the Conduct of the Truſtees, or the Conſtruction of the Acts, and to remove the Truſtees and appoint others.

of this Act, or any of them, in any Manner whatſoever, or in Caſe any Doubts ſhall ariſe upon the Conſtruction of this Act, or the ſaid recited Acts, it ſhall and may be lawful to and for the Lord High Chancellor of *Ireland*, or the Lord Keeper or Commiſſioners of the Great Seal in *Ireland*, or the Maſter, Keeper, or Guardian of the Rolls in *Ireland*, for the Time being, upon Petition of ſuch Creditor or Creditors, or Perſon or Perſons, to make ſuch Order or Orders therein, as to him or them ſhall ſeem juſt and reaſonable; and likewiſe upon ſuch Petition or Petitions as aforeſaid, to remove any One or more of the ſaid Aſſignees hereby appointed, or hereafter to be appointed by Virtue of this Act; and to appoint ſuch other Perſon or Perſons to be Aſſignee or Aſſignees, in the Room of ſuch Aſſignee or Aſſignees ſo removed, as the ſaid Lord Chancellor, Lord Keeper, Lords Commiſſioners, or Maſter, Keeper, or Guardian of the Rolls ſhall think fit, or elſe to order that the other Aſſignees ſhall proceed to an Election of a new Aſſignee or Aſſignees, in the Room of ſuch Aſſignee or Aſſignees ſo removed in the Manner herein-before mentioned, concerning the Election of an Aſſignee or Aſſignees, in the Room of an Aſſignee or Aſſignees who may hereafter reſign or die; and that ſuch Order or Orders, and ſuch Appointment or Appointments, ſhall be and are hereby declared to be final, concluſive, and effectual, to all Intents and Purpoſes.

General ſaving Clauſe.

XXIV. Saving always, to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politic and Corporate, and to all ſuch Perſons whoſe Rights are ſaved under the ſaid recited Acts, or any of them (other than and except ſuch Perſons, whoſe Rights or Intereſts are barred or affected by this Act), all ſuch Right, Title, and Intereſt, as they or any of them had, or might have had, in Caſe this Act had not been made.

Public Act.

XXV. And be it further enacted, That this Act ſhall be printed by the Printer to the King's moſt Excellent Majeſty, and may be given in Evidence in all Courts of Juſtice, and before all Judges and Juſtices who ſhall take judicial Notice thereof, in like Manner as if the ſame had been declared to be a Public Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's moſt Excellent Majeſty. 1803.