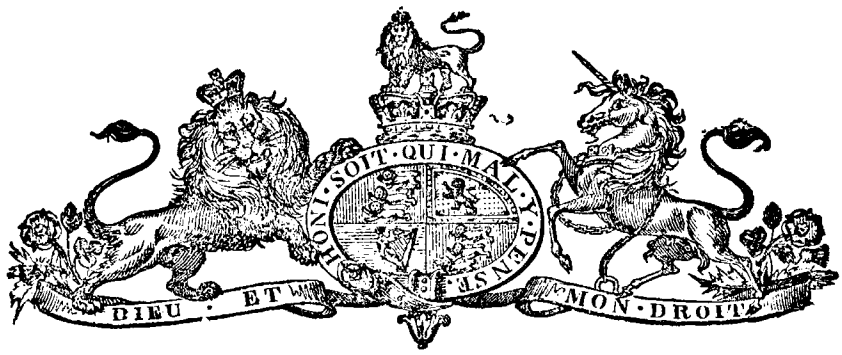


ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

****

CAP. LX.

An Act to consolidate and amend the Laws relating to Bankruptcy and Insolvency in *Ireland*.

[25th *August* 1857.]

WHEREAS it is expedient to amend and consolidate the Acts relating to Bankrupts and Insolvents in *Ireland*, to discontinue the Court of Bankruptcy and the Court for Relief of Insolvent Debtors in *Ireland*, and to constitute a new Court as herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Existing Courts of Bankruptcy and Insolvency to be discontinued.

I. From and after the Commencement of this Act, the Court of the Commissioners of Bankruptcy in *Ireland* and the Court for Relief of Insolvent Debtors in *Ireland*, now existing under certain of the Acts mentioned in Schedule (A.) to this Act annexed, shall be respectively discontinued, and all the Powers, Authorities, and Jurisdictions of the said Courts respectively shall, for the Purposes of all Proceedings now pending therein, be transferred to and continued and vested in the Court constituted under this Act.

II. From

Certain Acts and Parts of Acts repealed.

II. From and after the Commencement of this Act, the several Acts and Parts of Acts set forth in the Schedule (A.) to this Act annexed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, and every other Act or Acts, and such Parts of every other Act or Acts, as shall be inconsistent with this Act, shall be repealed, except so far as the said Acts or Parts of Acts, or any of them, whether mentioned or included in the said Schedule or not, repeal any former Act or Part of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 upon any Trading, Act of Bankruptcy, Petitioning Creditor's Debt, Commission, or other Proceeding in Bankruptcy before the Commencement of this Act, and except also so far as may be necessary for the supporting or continuing of any Proceedings taken before the Commencement of this Act in the Court for the Relief of Insolvent Debtors in *Ireland*, or to be taken after the Commencement of this Act on any Petition filed or Order made before the Commencement of this Act, and except as to the Recovery and Application of any Penalty for any Offence which shall have been committed 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 to under the said Acts or Parts of Acts, or to lessen any Liability then existing thereunder.

Short Title.

III. This Act may be cited for all Purposes as "The *Irish* Bankrupt and Insolvent Act, 1857."

Definition of Terms, &c.

And with respect to the Definition and Explanation of Terms, be it enacted as follows:

IV. The Terms and Words herein-after enumerated, wheresoever occurring in this Act, shall be understood as herein-after defined or explained, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Definition or Explanation; (that is to say,)

"Lord Chancellor" shall mean also and include the Lord Keeper and Lords Commissioners for the Custody of the Great Seal of *Ireland* for the Time being;

"The Court" shall mean Her Majesty's Court of Bankruptcy and Insolvency in *Ireland*, and shall mean also and include any Judge or Judges of Her Majesty's Court of Bankruptcy and Insolvency in *Ireland* constituting and acting as a Court under this Act;

"Annulling" shall mean also superseding;

Definition of Terms, &c.

"Month" shall mean a Calendar Month;

"Person" shall include Body Corporate and Joint Stock Company;

"Joint Stock Company" shall mean and include every Company and Body of Persons associated for any Banking or other Commercial or Trading Purposes in *Ireland*, and incorporated by Statute or Charter, or which derives any Immunity, Privilege, or Power under any Act of Parliament, or has been registered either provisionally or completely under any Act of Parliament, save as herein-after expressed, and all Commercial or Trading Companies, Associations, and Partnerships in *Ireland* the Capital or Profits of which is or are divided into Shares and transferable without the express Consent of all the Partners;

"Assignees" shall mean the Assignees of the Estate and Effects of the Bankrupt or Insolvent, and shall include the Official and Creditors Assignees;

"Oath" shall include Declaration or Affirmation;

"Bank of *Ireland*" shall include all Branches thereof;

"Petition of Bankruptcy" shall mean Petition for Adjudication of Bankruptcy;

"Plaintiff" shall include "Petitioner;"

"Suit" shall include Action at Law and Suit in Equity or other Proceeding;

"Bankrupt" shall mean any Person who on any Petition of Bankruptcy shall have been adjudged by the Court to be a Bankrupt;

"Petition of Insolvency" shall include every Petition for the Benefit of this Act by an Insolvent, or by any Creditor against such Insolvent;

"Prisoner" shall mean any Person in actual Custody within the Walls of any Prison in *Ireland* for any Debt, Damages, Costs, Sum or Sums of Money, or for any Contempt by reason of Non-payment of any Sum or Sums of Money or Costs;

"Gaoler" shall include the Keeper or Governor of any Gaol or Prison;

"Insolvent" shall mean any Person who shall file a Petition for his Discharge as an Insolvent Debtor, or against whom a Creditor shall file a Petition of Insolvency pursuant to this Act;

"Petitioning Creditor" shall mean the Creditor who files the Petition for Adjudication of Bankruptcy, or a Petition of Insolvency against an Insolvent;

"Registrar" shall include the Chief Registrar;

"Creditor"

Definition of Terms, &c.

"Creditor" shall mean also any Two or more Persons being Partners, and incorporated and Joint Stock Companies;

"Gazette" shall signify *Dublin Gazette;*

"United Kingdom" shall mean the United Kingdom of *Great Britain* and *Ireland;*

Words importing the Singular Number or the Masculine Gender only shall be understood to include several Matters as well as One Matter, and several Persons as well as One Person, and Bodies Corporate as well as Individuals, and Females as well as Males; and Words importing the Plural Number shall be understood to apply to One Matter as well as more than One, and to One Person as well as more than One.

Commencement of Act.

V. This Act, unless where otherwise specially provided, shall commence on the First Day of *November* One thousand eight hundred and fifty-seven.

Procedure to obtain Adjudication, &c. to be under this Act.

VI. After the Commencement of this Act, no Commission of Bankrupt shall be issued, but all Proceedings in Bankruptcy, and Proceedings for Arrangement between Debtors and Creditors, may be taken, according to the Provisions of this Act.

Proceedings in Courts discontinued by this Act to be carried on in new Court.

VII. All Commissions and Proceedings in Bankruptcy, and Proceedings for such Arrangement, depending at the Commencement of this Act in the Court of the Commissioners of Bankruptcy in *Ireland*, or over which that Court might then exercise Jurisdiction, and all Petitions, Orders, Matters, and Proceedings depending in the said Court for the Relief of Insolvent Debtors at the Commencement of this Act, or over which that Court might then exercise Jurisdiction, shall be respectively carried on and prosecuted in the Court constituted under this Act, and for the Purposes aforesaid the Court shall have all the Power, Jurisdiction, and Authority now possessed by the Commissioners of Bankruptcy or by the Court for the Relief of Insolvent Debtors in *Ireland;* and nothing in this Act contained shall render invalid any Commission, Petition, Order, Matter, or Proceeding depending at the Commencement of this Act in the said Court of the Commissioners of Bankruptcy, or in the said Court for Relief of Insolvent Debtors, or the Prosecution of the same in the Court now constituted under this Act, or affect or prejudice any Right or Remedy which any Person may have or be entitled to, or lessen any Liability which any Person may be under or subject to by virtue thereof.

Construction of former Acts, &c. as to Word "Commission."

VIII. Wherever in any Act of Parliament or otherwise Mention shall have been made of any Commission of Bankrupt, it shall be construed with reference to the Proceedings under a Petition of Bankruptcy

Bankruptcy as if such Commission had been actually issued at the Time of filing such Petition.

Computation of Time.

IX. When any limited Time from or after any Date or Event is appointed or allowed for doing any Act or taking any Proceeding, the Computation of such limited Time is not to include the Day of such Date, or of the happening of such Event, but is to commence at the Beginning of the next following Day, and the Act or Proceeding is to be done or taken at the latest on the last Day of such limited Time according to such Computation.

Term expiring on Sunday, &c., extended to following Day.

X. When the Time for doing an Act or taking a Proceeding expires on a *Sunday*, *Christmas Day*, *Good Friday*, *Monday* or *Tuesday* in *Easter* Week, or a Day appointed for a Public Fast or Thanksgiving, such Act or Proceeding is, as far as regards the Time of taking or doing the same, to be held to be duly done or taken if done or taken on the following Day.

Constitution of the Court, &c.

Court of Bankruptcy and Insolvency.

XI. The present Commissioners of Bankrupt in *Ireland* shall be Judges for the Purposes of this Act, as if they had been appointed thereunder, and they and their Successors in Office shall form a Court, to be called "The Court of Bankruptcy and Insolvency."

Appointment of Judges.

XII. The said Court of Bankruptcy and Insolvency shall consist of Two Judges: Upon a Vacancy in the said Office of Judge it shall be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent under the Great Seal of *Ireland*, to appoint any Person, being a Barrister-at-Law in *Ireland* of not less than Ten Years standing, to fill such Vacancy; and every such Judge shall hold his Office during good Behaviour, notwithstanding the Demise of Her Majesty (whom God long preserve), or any of Her Heirs and Successors, but subject to Removal by Her Majesty, Her Heirs and Successors, upon an Address from both Houses of Parliament.

The Oath of Office.

XIII. Every Judge to be so appointed shall, before he shall be capable of acting in the Execution of his Office, take an Oath in the Presence of the Lord Chancellor to the Effect following; (that is to say,)

'I *A.B.* do swear, That I will faithfully, honestly, and impartially execute the several Powers and Trusts reposed in me as a Judge in Bankruptcy and Insolvency, and that without Favour or Affection, Prejudice or Malice. So help me GOD.'

Judges not to be elected Members of the House of Commons.

XIV. No such Judge shall during his Continuance in such Office be capable of being elected a Member of the House of Commons.

Salary.

XV. There shall be paid to each such Judge the yearly Sum of Two thousand Pounds, and such Salaries shall be payable quarterly, on the usual quarterly Days, free of all Deductions save Income Tax; and if any Judge shall die, resign, or be removed, a proportionate Part of his Salary shall be paid for the Time he executed the Office.

Matters pending in discontinued Courts transferred to new Court.

XVI. All Matters which, on the said First Day of *November* One thousand eight hundred and fifty-seven, shall be pending in either of the said Courts hereby discontinued, with all the Proceedings therein, shall be by force of this Act transferred to the said Court of Bankruptcy and Insolvency in *Ireland*, there to be carried on, prosecuted, or dealt with and decided according to the Practice of the Court, in the same Manner in every respect as if such Matters had been originally commenced in the said Court.

Offices of old Court abolished, and Records, &c. to be transferred to new Court.

XVII. On the said First Day of *November* One thousand eight hundred and fifty-seven the Offices of the said Commissioners of the Courts hereby discontinued shall be abolished; and all Petitions, Affidavits, and other Proceedings of the said Courts, and all Minute and Account Books and all other Books and Documents relating to the Proceedings of the said Courts respectively, or lodged in the said Courts, shall on the said First Day of *November* One thousand eight hundred and fifty-seven, or as soon after as conveniently may be, be delivered by the several Officers of the said Courts having Custody of the same to such Person or Persons as shall be appointed by the Court to receive and take charge of the same, and from and after such Delivery the said Petitions, Affidavits, Books, and other Proceedings shall be deemed to belong to the said Court hereby constituted.

Court to make General Orders for Transfer of Proceedings, &c.

XVIII. The Court shall, as soon as conveniently may be after the passing of this Act, from Time to Time make General Orders as by this Act directed for carrying the Purposes of this Act into complete Effect in all Things relating to the Transfer of Matters, Proceedings, Documents, and Property from the Courts hereby discontinued, and in particular for the auditing of Assignees Accounts, and for arranging and distributing the Balances in the Hands of Assignees or to their Credit with the Bank of *Ireland*, or in the Bank of *Ireland* with the Privity of the Chief Clerk of the Court for the Relief of Insolvent

Insolvent Debtors, and for the carrying on and winding-up the Matters so transferred. *Constitution of the Court, &c.*

XIX. The Court shall, for the Purposes of this Act, be a Court of Law and Equity and a Court of Record; all Records and Proceedings in Bankruptcy existing at the Commencement of this Act in the said Court of the Commissioners of Bankruptcy, or in the Custody of the Secretary of Bankrupts, and Clerk of Inrolments in Bankruptcy, and all Records and Proceedings of the said Court for the Relief of Insolvent Debtors, shall be kept as Records and Proceedings in the Office of the Court, or in such Place as the Judges of the Court by any General Order shall direct. The Court to be a Court of Law and Equity, &c.

XX. Each Judge acting for the Time being shall singly and simultaneously, or otherwise, as Occasion may require, be and form the Court for every Purpose under this Act, or in execution of any Duty which may hereafter be imposed on the Court, except where otherwise in this Act specially provided; and every Act of any One Judge in the Absence of the other shall be as valid as if done by both, save only that it shall not be lawful for any One Judge, without the Consent of the other, to rescind any Order made by the other when sitting alone. Each Judge shall form the Court.

XXI. The Judges of the Court shall, on or before the Second Day of *November* One thousand eight hundred and fifty-seven, and from Time to Time thereafter, make such General Orders as they may think fit for the better carrying of the several Purposes of this Act into execution, and especially for the Regulation of the Practice and Procedure in Matters of Bankruptcy and Arrangement or Insolvency, and for the Choice of the Creditor's Assignees, and the Admission or Proof of Debts, and the Audit of the Assignees Accounts, and the Times and Mode of making and paying Dividends, the Examination of Witnesses and taking of Evidence, the Inspection of Records and Proceedings of the Court, and obtaining Copies thereof, and for the Regulation of the Duties of the several Officers of the Court, and the Fees, Costs, Charges, and Allowances, as well of Solicitors and of Messengers as also of Auctioneers, Appraisers, Brokers, Valuers, and Accountants, employed by Assignees, Messengers, or Bankrupts, or Insolvents, and for the Taxation thereof respectively, and generally for regulating the Practice of the Court, and the Times, Modes, and Forms of Motions and Proceedings in Bankruptcy and Insolvency, and may from Time to Time alter or revoke such Orders, anything in this Act to the contrary notwithstanding; but no such General Orders shall be of any Force or Effect until approved of by the Lord Chancellor: Power to Judges to make General Orders; to be approved by the Lord Chancellor.

Constitution of the Court, &c.

Chancellor: Provided also, that nothing herein contained shall be construed to restrain the Authority or limit the Jurisdiction of the said Court or the Judges thereof to make Rules or Orders or otherwise to regulate and dispose of the Business therein.

Sittings of the Court.

XXII. The Court shall sit for the Despatch of Business daily throughout the Year, when the Business of the Court shall require it (*Sunday*, *Christmas Day*, *Good Friday*, *Monday* and *Tuesday* in *Easter* Week, and Days appointed for Public Fast and Thanksgiving excepted); provided that during the whole or any Part of the Time appointed for Vacations in the several Offices of the High Court of Chancery in *Ireland* the Judges of the Court shall have full Power and Authority to regulate the Sittings of the Court in such Manner as shall appear fit and necessary for the due Administration of Justice.

Appointment and Payment of Substitute for Judge or Registrar prevented from attending.

XXIII. If, during the Time in which the Court shall sit for the Despatch of Business, any Judge, Registrar, or Chief Clerk be prevented by Sickness, or other reasonable Cause, to be allowed by the Lord Chancellor, from attending, then and in every such Case the Lord Chancellor may appoint a Person (being in the Case of a Judge a Barrister-at-Law of not less than Ten Years standing) to perform the Duties of such Judge, Registrar, or Chief Clerk during such Absence; and every such Person so appointed to perform the Duty of such Judge, Registrar, or Chief Clerk as aforesaid shall during the Continuance of such Deputation or Appointment have all and every the Rights, Powers, and Authorities, and be subject to all the Duties, of such Judge, Registrar, or Chief Clerk under this Act, and shall 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 shall so act.

Jurisdiction.

Jurisdiction of Court.

XXIV. The Court shall have original Jurisdiction, Superintendence, and Control in all Matters of Bankruptcy and Insolvency, and shall have Authority to take such Order and Direction with the Body of each Bankrupt and Insolvent, and also with the Estate and Effects of each Bankrupt and Insolvent, as herein-after expressed, and also shall hear, determine, and make Order in any Matter of Bankruptcy or Insolvency whatever, so far as the Assignees are concerned, relating to the Estate and Effects of the Bankrupt or Insolvent, or of any Estate or Effects taken and claimed by the Assignees for the Benefit of the Creditors, or relating to any Acts done or sought to be done by the Assignees in their Character of Assignees, and also in any Matter of Bankruptcy or Insolvency whatever as between the Assignees and any

any Creditor or other Person appearing and submitting to the Jurisdiction of the Court, and also in any Application for a Certificate of Conformity, and in any other Matter where the Court by virtue of this Act has Jurisdiction, save and except as may be by this Act otherwise specially provided. *Jurisdiction.*

XXV. The Court shall have the Power of fining in a summary Way, or suspending or removing, any of the Officers of the Court who shall be guilty of any Negligence or other Misconduct whatsoever, to be expressed in the Order of the Court, except where the Removal of the said Officers is otherwise regulated by this Act. Power to Court to fine, suspend, or remove Officers in certain Cases.

XXVI. All lawful Orders of the Court may be enforced by Process sued out of the said Court in the same Manner as if the said Orders were Orders of the Court of Chancery in *Ireland.* Enforcement of Orders.

XXVII. The Court shall from Time to Time settle the Forms of Writs to be used in the said Court for the Enforcement of its Orders, and may also from Time to Time alter the same. The Court in framing such Forms shall adhere as nearly as Circumstances may admit to the Forms of Writ used to enforce Decrees or Orders of the Court of Chancery, and such Forms when approved of by the Lord Chancellor shall be used and adopted in the Court. The Writs to be issued out of the Court shall be returnable therein, and be enforced in the same Manner as Writs issued out of the Court of Chancery. Court to settle Forms of Writs.

XXVIII. The Court may from Time to Time alter or vary the Forms given in the several Schedules to this Act, or any of such Forms, or substitute new Forms in lieu thereof, and generally may settle and check the several Forms to be used in proceeding under this Act. Forms.

XXIX. Every Order or Decision of the Court shall be subject to Appeal to the Court of Appeal in Chancery, except as herein-after is provided; but such Appeal must be entered within Thirty Days from the Date of the Decision or Order, or such further Time as the Court shall by special Leave allow, and be thereafter duly prosecuted, otherwise the Decision or Order shall be final; and every Appeal shall be subject to such Regulation in regard to Deposit of Costs as shall be directed by any General Order to be made in pursuance of this Act; and on hearing of each Petition of Appeal the only Evidence to be relied on or admissible shall be such as was given before the Court; but the Appeal Court, if it shall think fit, may receive such Evidence or direct or make any such Inquiry thereon as to it shall seem fit, or may order the Court to re-hear Power of Appeal to the Court of Appeal in Chancery.

Jurisdiction.

the Case, on such further Evidence as it may be in the Power of either Party to produce.

No Appeal from certain Orders of the Court.

XXX. No Appeal shall lie from any Order of the Court on any Petition in Insolvency that the Prisoner should file his Schedule or be brought up to be dealt with according to the Provisions of this Act, or from any Order dismissing the Petition in Insolvency, or for the Remand or Discharge of any Insolvent, or any Order for the Appointment or Removal of Creditors Assignees, or from any Order on any Question relating only to the Practice of the Court.

Exclusive Jurisdiction over Traders in Ireland.

XXXI. The Court shall have exclusive Jurisdiction in Bankruptcy over all Traders residing or carrying on Business exclusively in *Ireland*.

The Court of Appeal sitting in Bankruptcy to be a Court of Record, &c.

XXXII. The Court of Appeal sitting on Appeal in Bankruptcy and Insolvency shall be a Court of Record, and shall have all the Powers incident thereto, and may adjourn any Sitting from Time to Time, and for such Time as may be requisite, and shall have the like Power of summoning and compelling Attendance, and of Examination, and of enforcing Obedience to Examination, and to any Order duly made, and of requiring and compelling the Production of Books and Documents, and shall have the like Power of Commitment as is by this Act given to the Court of Bankruptcy and Insolvency.

Court of Appeal may direct Question of Fact to be decided by a Jury.

XXXIII. The Court of Appeal may direct any Question of Fact arising on such Appeal to be decided by a Jury in the Form provided in lieu of a feigned Issue by an Act passed in the Parliament holden in the Eighth and Ninth Years of the Reign of Her Majesty, Chapter One hundred and nine, or in such other Form as the Court of Appeal shall direct, and a new Trial may be moved for in the Court out of which the Writ of Summons shall have been issued.

Power to move for New Trial.

Power of Appeal to the House of Lords.

XXXIV. All Orders of the said Court of Appeal on Proceedings under this Act, save Orders relating to the final Examination or the Certificate of Conformity of any Bankrupt, dismissing any Petition for Adjudication or Arrangement, granting Protection to any Trader, or any Question of Practice only, shall be subject to Appeal to the House of Lords, in like Manner and subject to the same Conditions as any other Appeals from the Orders of said Court.

As to Sealing and Signature of Warrants.

XXXV. Every Warrant issued by the Court shall be under the Seal of the Court and the Hand of a Judge, and every Summons shall be under the Seal of the Court and under the Hand of a Judge, or of One of the Registrars.

XXXVI. The

Jurisdiction.

Records, Proceedings, &c. to be sealed.

XXXVI. The Court shall cause to be sealed with the Seal of the Court all such Records, Proceedings, Documents, and Copies of the same as are by this Act expressly required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same as the Court shall at any Time direct. No Fee shall be receivable by any Judge, Registrar, or Officer of the Court save such Fees for Copies as are herein-after expressly allowed.

As to Procedure and Practice of Court.

XXXVII. The Procedure and Practice hitherto observed in the Court of Bankruptcy and in the Court for the Relief of Insolvent Debtors in *Ireland* shall continue to be observed in the Court of Bankruptcy and Insolvency, except where the same are inconsistent with the Provisions of this Act, or any General Order made in pursuance thereof.

Officers of the Court.

As to Appointment of Officers of Court.

XXXVIII. The Officers of the Court shall be the Chief Registrar, the Chief Clerk in Insolvency, Two Assistant Registrars, a Deputy Assistant to the Chief Registrar, Two Official Assignees, the Messengers, and the Clerks of the Court, to be appointed as herein-after mentioned.

Secretary of Bankrupts to be Chief Registrar.

XXXIX. The present Lord Chancellor's Secretary of Bankrupts shall be the First Chief Registrar under this Act, and, in addition to his present Duties, shall attend the Court, and assist the Court in the Transaction of its administrative Business, and in the taking of undisputed Proofs of Debt, and shall tax such Costs and discharge such Duties generally as the Court shall by any General Order direct.

Salary of Chief Registrar.

XL. In lieu of the Fees and Emoluments now payable to the Lord Chancellor's Secretary of Bankrupts, a Salary not exceeding Six hundred Pounds *per Annum* shall be paid to the said Chief Registrar and his Successors; and it shall be lawful for the Commissioners of the Treasury, on the Recommendation of the Lord Chancellor, from Time to Time to order that such Salary shall be increased, provided that the same shall in no Case exceed Eight hundred Pounds.

As to Appointment of Successors to Chief Registrar and Assistant Registrars.

XLI. The Successors to the Chief Registrar and Assistant Registrars shall from Time to Time be appointed by the Lord Chancellor as a Vacancy shall arise. The Chief Registrar, Assistant Registrars, and their Successors shall continue in Office during good Behaviour, and shall not be removed except by Writing under the Hand of the Lord Chancellor for sufficient Cause therein specified, or by Writing under the Hands of the Judges of the said Court and of the Lord Chancellor without any Cause being therein specified.

XLII. There

Officers of the Court.

As to Appointment and Salary of Assistant Registrars.

XLII. There shall be Two Assistant Registrars of the Court, and it shall be lawful for the Lord Chancellor to direct that a Salary not exceeding Four hundred Pounds *per Annum* be paid to each Assistant Registrar. The present Registrars of the Court of Bankruptcy in *Ireland* shall be the First Assistant Registrars of the Court, and shall have the like Powers and Salaries, and be subject to the like Control, in all respects, as if they had been appointed under the Provisions of this Act.

Chief Clerk in Insolvency.

Duties and Salary of Chief Clerk in Insolvency.

XLIII. The present acting Registrar of the Court for Relief of Insolvent Debtors shall be the First Chief Clerk in Insolvency under this Act. The Chief Clerk in Insolvency shall have all the Powers hitherto enjoyed, and shall in Matters of Insolvency perform all the Duties hitherto performed, by the Chief Clerk in the Court for the Relief of Insolvent Debtors in *Ireland*, except where the same are inconsistent with the Provisions of this Act, or any General Orders made under the Authority of this Act, and shall also attend the Court and perform such other Duties as the Court shall by any General Order direct. The Salary of said Chief Clerk shall be Five hundred Pounds *per Annum*. It shall be lawful for the Commissioners of the Treasury, on the Recommendation of the Lord Chancellor, from Time to Time to order that such Salary shall be increased, but so as that the same shall in no event exceed Six hundred and fifty Pounds.

Appointment and Salary of Deputy Assistant to Chief Registrar.

XLIV. The present Clerk in the Office of the Lord Chancellor's Secretary of Bankrupts shall be the Deputy Assistant to the Chief Registrar. It shall be lawful for the Lord Chancellor to direct that a Salary not exceeding Two hundred Pounds *per Annum* be paid to the Deputy Assistant and his Successors.

Appointment and Salary of Clerk in Town and Country Departments.

XLV. The present First Clerk in the Country Department of the Court for the Relief of Insolvent Debtors shall be the First Clerk in the Town and Country Departments in Insolvency under this Act, and, in addition to his present Duties, shall discharge such other Duties as the Court shall by any General Order direct. It shall be lawful for the Lord Chancellor to direct that a Salary not exceeding Three hundred and fifty Pounds *per Annum* be paid to the said Clerk in the Town and Country Departments and his Successors.

Appointment and Salaries of other Clerks.

XLVI. In addition to the before-named Officers of the Court, it shall be lawful for the Court, with the Approbation of the Lord Chancellor, to appoint as many Clerks or Assistants, not exceeding Three, and at such Salaries as the Court shall, with the

Chief Clerk in Insolvency.

the like Approbation and Consent, order; such Salaries, however, not in any Case to exceed, collectively, the annual Sum of Four hundred Pounds.

Appointment of Successors to Chief Clerks, &c.; and not to be removed but by Order of Court, &c.

XLVII. The Successors to the Chief Clerk, Deputy Assistant Registrars, and Clerks shall, from Time to Time as Vacancies occur, be appointed by the Court, with the Approbation of the Lord Chancellor. The Chief Clerk, Assistant Registrars, Deputy Assistant Registrars, and Clerks, and their Successors respectively, shall hold Office during good Behaviour, shall discharge such Duties as the Court shall by General Order from Time to Time direct, and shall not be removed except by Order of the Court for sufficient Cause therein specified, or by Writing under the Hand of the Lord Chancellor and Judges of the Court without any Cause being therein specified.

Power to Lord Chancellor to discontinue Offices on Vacancies.

XLVIII. Upon the happening of any Vacancy in any of the Offices under this Act, save the Office of Judge of the Court, if it shall appear to the Lord Chancellor that it would be unnecessary or inexpedient to continue such Office, it shall be lawful for the Lord Chancellor, by any Order under his Hand, so to declare and direct, and thereupon such Office shall cease and determine.

Registrars.

Court may direct Registrar to take Proof of Debts, &c.

XLIX. The Court may, when it shall seem expedient, direct the Chief or other Registrar or Chief Clerk to act in the Prosecution of any Bankruptcy or Insolvency, for Proof of Debts, or for the Examination of Persons or Witnesses on Oath in *Dublin* or elsewhere; and the Travelling Expenses of such Registrar or Chief Clerk, and of any Clerk or other Officer attending him, incurred in so acting, shall be settled by the Court, and be paid out of the Funds of the Estate or Estates in which such Examination shall take place, or Proof of Debt be received; and such Registrar or Chief Clerk so acting shall have all Power vested in the Court for Proof of Debts and Examination of Persons or Witnesses, except the Power of Commitment: Provided always, that all Depositions and Examinations of Persons and Witnesses so taken shall be reduced to Writing, and shall, together with a Record of all Acts done by him, be annexed to and form Part of the Proceedings.

Seal to be provided.

L. The Chief Registrar shall provide a Seal, on which shall be engraven the Style of the Court; 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.

Registrars.

Registrars and Chief Clerk to tax Bills of Costs, &c;

LI. It shall be the Duty of the Registrars and Chief Clerk to tax all such Bills of Fees, Costs, Charges, and Disbursements as may be referred to them or any of them for Taxation; but such Taxation shall be subject to Review by the Court.

and settle Bills of Auctioneers, Appraisers, Valuers, and Accountants.

LII. All Bills of Charges, Fees, and Disbursements of any Auctioneer, Appraiser, Broker, Valuer, or Accountant, employed by any Assignee or Messenger, for Business done under such Employment, shall be settled by the Registrars or Chief Clerk, subject to Review by the Court; and the Amount of the Bills so settled, and no more, shall be paid to or recoverable by such Auctioneer, Appraiser, Broker, Valuer, or Accountant.

Office of Clerk of Enrolments in Bankruptcy appointed under 11 & 12 G. 3. (I.) abolished, and Duties transferred to Chief Registrar, who shall keep Records, &c.

LIII. After the Commencement of this Act, the Duties of the Person by an Act passed in the Parliament of *Ireland* in the Eleventh and Twelfth Years of the Reign of King *George* the Third, intituled *An Act to prevent Frauds committed by Bankrupts*, directed to be appointed by the Lord Chancellor, and to have the Custody of all Matters relating to Commissions of Bankrupt, and known as the Clerk of Enrolments in Bankruptcy in *Ireland*, shall be transferred to the Chief Registrar; and all Records, Proceedings, Books, Papers, and Documents in the Possession of the said Clerk of Enrolments in the Place appointed by the Lord Chancellor for the Custody of the Matters aforesaid, shall be removed to the Office of the Court, and shall be there kept as Records of the Court of Bankruptcy and Insolvency; and the said Chief Registrar shall enter of Record all Matters and Proceedings in Bankruptcy and Insolvency under this Act, or any Order to be made in pursuance hereof, directed to be entered of Record, or such Portions thereof in lieu of the whole as the Court shall by any Order direct.

Chief Registrar to enter Proceedings.

LIV. It shall be lawful for the Chief Registrar to enter of Record any Proceeding in Bankruptcy or Insolvency by this Act directed to be so entered, upon the Application of or on behalf of any Person interested therein, without special Order; and any Judge shall have full Power, upon Application made to him for that Purpose, to direct any Commission of Bankrupt heretofore issued, and the Depositions and Proceedings had and taken under the same, and all Matters and Proceedings heretofore had in the Court for the Relief of Insolvent Debtors in *Ireland*, or such Part or Parts thereof as he shall think fit, to be entered of Record.

Official Assignees.

Present Official Assignees to be continued.

LV. The present Official Assignees in Bankruptcy shall continue to be Official Assignees for the Purposes of this Act, and shall have all the Powers and Privileges, and shall be subject to the like Control, as if they had been appointed under this Act.

LVI. All

Estates of Insolvents now vested in Provisional Assignee to vest in Official Assignees.

LVI. All the Estate and Effects of Insolvent Debtors now vested in the Provisional Assignee of the Court for Relief of Insolvent Debtors in *Ireland* shall vest in the Official Assignees appointed under this Act.

Official Assignees to act with Creditors Assignees.

LVII. It shall be lawful for the Court to direct that the Official Assignees shall be joined and act with the existing Creditors Assignees in any Matter of Insolvency or Bankruptcy pending at the Commencement of this Act, and to direct the existing Assignees to pay and deliver over to the Official Assignees all Monies, Securities, Books, Property, and Effects in their Possession as such Assignees, and that all the Estate and Effects in such Insolvency shall vest in the Official Assignees jointly with the Creditors Assignees.

Official Assignee removable.

LVIII. It shall be lawful for the Lord Chancellor at any Time to remove any Official Assignee from his Office.

Appointment of Official Assignees; who shall give Security.

LIX. Upon any Vacancy in the Office of Official Assignee, it shall be lawful for the Lord Chancellor from Time to Time to appoint a proper Person, being a Merchant, Broker, or Accountant, to act as Official Assignee for the Purposes of this Act; and such Official Assignee shall give such Security, and be subject to such Rules, and act in such Manner, and perform such Duties, as may from Time to Time be directed by any General Order.

Duties of Official Assignees.

LX. The Official Assignees for the Time being and their Successors when appointed shall be Assignees of each Bankrupt's and Insolvent's Estate and Effects, and act with the Assignee (if any) chosen by the Creditors; but the Real and Personal Estate and Effects of every Bankrupt and Insolvent, and the Income and Proceeds thereof, shall be possessed and received by the Official Assignees alone, save where it shall be otherwise directed by the Court.

Money, &c. to be paid by Assignees into the Bank of Ireland.

LXI. All Stock in the Public Funds or of any Public Company, and all Monies, Exchequer Bills, *India* Bonds, or other Public Securities, and all Bills, Notes, and other negotiable Instruments belonging to the Bankrupt's or Insolvent's Estate, shall be forthwith transferred, delivered, and paid by such Official Assignees into the Bank of *Ireland*, and shall from Time to Time be kept there to the Credit of the Official Assignees and of the Creditors Assignee, or (if any) subject to such Order and Regulation for the keeping of the Account of the said Monies and other Effects, and for the Payment, Delivery, and Investment of the same, as the Court shall direct:

Official Assignees.

direct: Provided always, that the Court may by Order sanction the Official Assignees retaining in their Hands, out of the Monies so received by them as aforesaid, a Sum not exceeding at any One Time Five hundred Pounds in respect of all the Estates vested in them.

Messengers to follow Instructions of Official Assignee.

LXII. The Messengers shall follow the Instructions of the Official Assignees, subject to the Directions and Control of the Court, with respect to the taking and keeping Possession of the Bankrupt's and Insolvent's Estate or Effects.

Official Assignee to act as sole Assignee till Creditors choose Assignees, &c.

LXIII. Until Assignees shall be chosen by the Creditors, the Official Assignees shall to all Intents and Purposes whatsoever be the Assignees of every Bankrupt's and Insolvent's Estate and Effects, and, if the Court shall so order, may sell or otherwise dispose of any Property which from its Nature or for any other Reason the Court shall think ought to be disposed of without Delay.

Not to interfere with Creditors Assignees in Appointment, &c. of Solicitor, &c.

LXIV. After Assignees have been chosen by the Creditors, the Official Assignees shall not interfere with the Creditors Assignees in the Appointment or Removal of a Solicitor or Attorney.

Official Assignee not personally liable for Acts done in Execution of his Duty.

LXV. No Official Assignee shall be personally liable by reason of any of the Matters upon which an Adjudication of Bankruptcy shall have been grounded being insufficient to support such Adjudication, or in respect of his Receipt in his official Capacity of any Money or negotiable Instruments, provided he shall not have dealt with the same otherwise than as directed by the Court, or required by this Act, or by any Order made in pursuance of this Act.

If Official Assignee made Defendant in certain Cases, Court may set aside Proceedings.

LXVI. If an Official Assignee is made a Defendant in any Action in respect of such Money or negotiable Instruments, a Judge of the Court in which the Action is brought may, upon an Affidavit of Facts, stay or set aside the Proceedings in such Action so far as the Official Assignee is concerned, and make such Order as to Costs as to the Judge shall seem meet.

Remuneration to Official Assignee.

LXVII. The Court may order to be paid out of any Bankrupt's or Insolvent's Estate to the Official Assignee, as a Remuneration for his Services, such Per-centage on the Amount realized as shall upon Consideration of the Circumstances of each Case appear to be just and reasonable.

LXVIII. On

Official Assignees.

Returns to Parliament by Official Assignees;

LXVIII. On or before the First Day of *March* in every Year, if Parliament be then sitting, or if not within Fourteen Days from the Commencement of the then next Session of Parliament, there shall be laid before Parliament a Return by the Official Assignees in the Form contained in Schedule (B.) to this Act annexed, showing the Particulars in such Form mentioned in respect of every Estate under their Charge, and which shall not have been finally wound up on the Thirty-first Day of *December* in the preceding Year; and such Return shall be certified by the Chief Registrar, and shall be subject to such further Regulation, as to the Form of the same or otherwise, as the Judges of the Court may from Time to Time think fit to make.

to be certified by Chief Registrar.

Messengers.

As to Appointment and Salaries of Two Messengers.

LXIX. There shall be Two Messengers of the Court, who shall be appointed from Time to Time by Warrant under the Hand of the Judges of the Court, and shall continue in Office at the Pleasure of the Judges of the Court; and it shall be lawful for the Lord Chancellor to direct, with reference both to the present and any future Messengers, that a Salary not exceeding Two hundred and fifty Pounds *per Annum* be paid to each Messenger in lieu of all Fees.

Power to appoint Assistant Messengers in special Cases.

Duties of Messengers.

Travelling Expenses, &c. how paid.

LXX. It shall be lawful for the Court to appoint by Warrant as aforesaid Assistant Messengers of the Court in special Cases: The Duties of the Messengers shall be such and they shall give such Security as the Court shall by any General Order from Time to Time direct: It shall be lawful for the Court by any General or Special Order to direct from Time to Time how and by whom, or out of what Fund under the Control of the Court, and according to what Scale, the travelling and other Expenses of the Messengers incurred in performing such Duties shall be paid.

Messengers not to act as Agents.

Oath to be taken by Messengers before acting.

LXXI. If any present or future Messenger shall act as Agent in any Bankruptcy or Insolvency, or stipulate for or obtain, directly or indirectly, out of or from any Bankrupt's or Insolvent's Estate, or any Person engaged therein, any Remuneration for his Services except as provided for by this Act, he shall for ever thereafter be incapable of holding the Office of Messenger; and every Messenger shall, before he shall be capable of acting in the Execution of his Office, take before the Commissioner the following Oath; (that is to say,)

'I *A.B.* do swear, That I will faithfully, impartially, and honestly execute the several Orders which I shall receive from the Court of Bankruptcy and Insolvency in any Matter in which I am or shall hereafter be appointed to act as Messenger; and that I will not knowingly suppress or conceal the Truth, or suggest or practise any Falsehood in respect to anything relating to any Bankruptcy or Insolvency, or any of the Proceedings thereunder.

'So help me GOD.'

Messengers.

Messenger may break open the Bankrupt's or Insolvent's Doors, &c., and seize upon his Body or Property.

LXXII. It shall be lawful for any Messenger of the Court and his Assistants, acting under Warrant of the Court, to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of any Bankrupt or Insolvent where such Bankrupt or Insolvent or any of his Property shall be reputed to be, and seize upon the Body or Property of such Bankrupt and Insolvent; and if the Bankrupt or Insolvent be in Prison or in Custody it shall be lawful for the Messenger and his Assistants to seize any Property of the Bankrupt or Insolvent (save the Articles excepted in this Act and his necessary Wearing Apparel) in the Custody or Possession of such Bankrupt or Insolvent, or of any other Person, in any Prison or Place where such Bankrupt or Insolvent is in Custody.

Execution of Warrant in England.

LXXIII. It shall be lawful for the Messenger and his Assistants, acting under Warrant of the Court, to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt or Insolvent in *England* where such Bankrupt or Insolvent or any of his Property shall be reputed to be, and to seize upon the Body or Property of such Bankrupt or Insolvent, and also to execute within *England* such Search Warrant as herein-before mentioned; provided such Warrant and Search Warrant respectively shall have been verified upon Oath before and backed or endorsed by any Justice of the Peace in *England*, who is hereby required within his Jurisdiction to back or endorse the same.

Execution of Warrant in Scotland.

LXXIV. It shall be lawful for the Messenger and his Assistants, acting under Warrant of the Court, to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt or Insolvent in *Scotland* where such Bankrupt or Insolvent or any of his Property shall be reputed to be, or to seize upon the Body or Property of such Bankrupt or Insolvent, and also to execute within *Scotland* such Search Warrant as herein-before mentioned; provided such Warrant and Search Warrant respectively shall have been verified upon Oath, and backed or endorsed by any Judge Ordinary or Justice of the Peace in *Scotland*, who are hereby required, within their respective Jurisdictions, to back or endorse the same.

Authority of Messenger in England and Scotland.

LXXV. Such Warrant so endorsed shall be sufficient Authority to the Messenger or his Assistant bringing such Warrant, and to all Officers of the Law in *England* and *Scotland*, to execute the same within the County, City, or Burgh wherein it is so endorsed, and in virtue thereof to break open the House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of such Bankrupt or Insolvent, and to seize upon the Body or Property of such Bankrupt or Insolvent, to be dealt with according to Law.

LXXVI. The

Messengers.

Remuneration to Messengers.

LXXVI. The Court may order to be paid to any Messenger, in addition to his Salary, out of the Bankrupt's or Insolvent's Estate, a Percentage not to exceed Two and a Half *per Cent.* on the Amount realized from the Goods and Chattels seized by such Mesenger.

Exemptions and Disqualifications of Officers, &c.

Officers exempt from serving on Juries, &c.

LXXVII. The Registrars, the Chief Clerk, the Official Assignees, the Officers, and the Messengers of the Court shall be exempted from serving any Parochial Office or on any Jury or Inquest.

No Judge, &c. to practise as a Barrister, &c.

Registrars, &c. to be deemed Officers of the Court of Chancery.

LXXVIII. No present or future Judge or Officer of the Court shall while in Office practise as a Barrister; and the Registrars, Official Assignees, and all other Officers appointed or to be appointed under this Act, except the Judges of the Court, shall from and after the passing of this Act be considered to be Officers of the Court of Chancery in *Ireland*, and subject and liable to the like Incapacity of acting as Attornies or Solicitors, and to the same Liabilities and Penalties as to Removal from Office for Misconduct, and as regards the exacting or taking any Fee or Sum of Money not allowed by Law, and generally in all respects as any Officer of the said Court is or may be by Law liable or subject to.

Salaries, &c.

Salaries of Registrars and Messengers to be paid out of Funds provided by Parliament.

LXXIX. The Salaries and Compensations made payable under this Act to the Judges, Registrars, Chief Clerk, Officers, and Messengers shall be paid quarterly, free and clear from all Taxes and Deductions whatsoever, except the Tax on Income, on the usual quarterly Days, out of the Bankruptcy Fee Fund Account, and, if that should prove deficient, out of the Suitors Fee Fund of the Court of Chancery, and in the event of both Funds proving insufficient the Balance to be paid out of such Funds as Parliament shall from Time to Time provide for the Purpose; and if any Person holding either of the said Offices shall die, resign, or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to receive a proportionable Part of his Salary for the Time that such Person shall have executed his Office since the last Payment.

Compensations and Annuities under 6 & 7 W. 4. c. 14. continued.

LXXX. All Compensations and Annuities which shall have been ordered to be paid, and continue payable, under the Ninth Section of the Statute Sixth and Seventh *William* the Fourth, Chapter Fourteen, shall be charged upon and paid to the Persons entitled thereto out of the Bankruptcy Fee Fund Account, and shall be paid and payable to such Persons free from all Taxes, except the Tax on Income, and for such Term and in such Manner as may have already been ordered under the said Act.

LXXXI. Her

Salaries, &c.

Power to Her Majesty to grant Retiring Pensions to Judges.

LXXXI. Her Majesty may grant unto any Person executing the Office of Judge of the Court in pursuance of this Act an Annuity not exceeding Two Thirds of his Salary as such Judge, to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Judge, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted; and such Annuity shall be paid quarterly, free from all Taxes and Deductions whatsoever except Income Tax, by equal Portions, on the same quarterly Days as the Salary of such Judge was payable; and the First quarterly Payment, or a proportionate Part thereof, to be computed from the Time of the Resignation of the said Office, shall be made on each of the same Days as shall happen next after the Resignation of the said Office; and the Executors and Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement or the last quarterly Payment thereof, as the Case may be, to the Day of his Death; provided, that it shall be lawful for Her Majesty to limit the Duration of Payment of such Annuity or any Part thereof to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the Salary to which such Person was entitled as Judge of the Court; provided also, that no Annuity granted to any Person having executed the Office of Judge under this Act shall be valid unless such Person shall have continued in the said Office, or in the said Office and the Office of Commissioner of the said Court of Bankruptcy, for the Period of Fifteen Years, or shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the Grant; and provided also, that if the Judges by this Act appointed to be the First Judges of the Court, or either of them, shall resign Office within Seven Years after the passing of this Act, the retiring Annuity of such Judge shall be estimated on his present Salary of One thousand five hundred Pounds *per Annum*, and not on the increased Salary given by this Act.

As to Retiring Allowance to present Commissioner of Insolvent Court in Ireland.

LXXXII. The present Commissioner of the Court for Relief of Insolvent Debtors in *Ireland* shall be entitled to receive during his Life, by way of retiring Pension, an annual Sum equivalent to the Amount of his Salary, payable out of the same Funds and in the same Manner as his present Salary; provided that in case the said Commissioner should hereafter be appointed to any Office, the Amount of the Salary which he shall receive in respect of such Office

Office shall be deducted from the Amount of the retiring Pension which he is entitled to receive under this Act.

Salaries, &c.

Compensation to Clerk of Inrolments and other Officers whose Emoluments are affected by this Act.

LXXXIII. The present Clerk of Inrolments in Bankruptcy, and any other Officer of the Court of Chancery and the Chief Clerk and other Officers of the Court for the Relief of Insolvent Debtors in *Ireland*, whose Office or the Emoluments thereof may be affected by the Operation of this Act, and who shall not be appointed to an Office of equal Value under this Act, and the late Assistant Messenger of the Court of Bankruptcy, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Six Months after the passing of this Act; and the said Commissioners shall, in such Manner as they shall think fit, inquire into the Nature and Tenure of the said Offices, and what were the lawful Salary, Fees, Profits, and Emoluments in respect of which such Compensation should be allowed; and the said Commissioners shall award such Compensation as they shall think just and adequate; and such Compensation shall be payable out of such Funds as Parliament shall provide for the Purpose, and shall be paid at such Times as the Commissioners shall by any Order or Orders from Time to Time direct: Provided always, that any such Officer who shall have held Office under the Court for the Period of Thirty Years next preceding the passing of this Act shall be awarded Compensation equal to the full Amount of the Salary of which he shall have been deprived.

Sum not exceeding 400*l.* per Annum to be subject to Orders of Lord Chancellor for incidental Expenses.

LXXXIV. A Sum not exceeding Four hundred Pounds *per Annum* out of Bankruptcy or Suitors Fee Funds, and, in case of Deficiency, out of such Funds as Parliament shall provide for the Purpose, shall be subject to all such Orders as shall from Time to Time be made by the Lord Chancellor for Payments thereout in respect of the Salaries of any additional Clerks in the Office, Court Keeper, and Tipstaff, or for Stationery, Coals, and Candles for the Use of the Court, Rent of the Buildings, incidental Expenses, and in respect of all Expenses incurred in carrying this Act into effect: All Accounts for Stationery and other incidental Expenses of the Court or the Offices thereof shall be audited and allowed by One of the Judges before any Order for Payment shall be obtained.

Place for holding the Court, &c.

Sittings, &c. to be held in Buildings at Four Courts, subject to Order of the Court.

LXXXV. Until more suitable Accommodation shall be provided, all Sittings of the Court in *Dublin*, and all Meetings of Creditors convened by public Advertisement under this Act, shall (unless the Court shall otherwise direct) be held in the Buildings at the *Four Courts* now used by the Commissioners of Bankruptcy; and the Court may, if deemed expedient, use for its Sittings, and for any other of its Purposes, the Court House and Buildings situate on *Lower Ormond*

Place for holding the Court, &c.

Ormond Quay in the City of *Dublin*, and known as the Insolvent Debtors Court.

Court may alter Place of Sitting.

Name of Court.

LXXXVI. It shall be lawful for the Court, with the Consent of the Lord Chancellor, to fix and appoint any other Place for the Sittings of the Court: The Place in which the Sittings of the Court shall from Time to Time be held may be called the Court of Bankruptcy and Insolvency.

Power to employ Shorthand Writer.

LXXXVII. In order to facilitate the Discharge of the Business of the Court in taking the Evidence of Parties examined *vivâ voce*, the Court may from Time to Time, when it shall appear necessary, direct the Employment of a Shorthand Writer, and by any General or Special Order define his Duties and the Amount of his Remuneration.

Shorthand Writer to take the following Oath before acting.

LXXXVIII. Before such Shorthand Writer shall act in the Performance of the Duties imposed on him, he shall take an Oath in the Presence of One of the Judges of the Court to the Effect following; (that is to say,)

'I (*A.B.*) do swear, That I will faithfully and truly take down the 'Evidence to be given by Persons to be examined in the Matter 'of , and will deliver true and faithful Transcripts 'thereof as the Court shall direct.'

Remuneration to Shorthand Writer.

LXXXIX. Such Shorthand Writer shall be paid such Remuneration out of the Estate as the Court shall order, and shall furnish Copies of the Evidence to the Parties entitled thereto, on Payment of such Fees as the Court shall by any General or Special Order direct.

Persons liable to become bankrupt.

Enumeration of the Traders liable to become bankrupt.

XC. All Alum Makers, Apothecaries, Auctioneers, Bankers, Bleachers, Brokers, Brick Makers, Builders, Calenderers, Carpenters, Carriers, Cattle or Sheep Salesmen, Coach Proprietors, Cowkeepers, Dyers, Fullers, Keepers of Inns, Taverns, Hotels, or Coffee Houses, Limeburners, Livery Stable Keepers, Market Gardeners, Millers, Packers, Printers, Shipowners, Shipwrights, Victuallers, Warehousemen, Wharfingers, Persons using the Trade or Profession of a Scrivener receiving other Men's Monies or Estates into their Trust or Custody, Persons insuring Ships or their Freight or other Matters against Perils of the Sea, and all Persons using the Trade of Merchandise by way of bargaining, Exchange, bartering, Commission, Consignment, or otherwise, in gross or by retail, and all Persons who either for themselves or as Agents or Factors for others seek their Living by buying and selling, or by buying and letting for Hire, or by the Workmanship of Goods or Commodities, shall be deemed Traders liable to become bankrupt; provided, that

What Persons not to be deemed such Traders.

no

Persons liable to become bankrupt.

no Farmer, Grazier, common Labourer, or Workman for Hire, Receiver General of the Taxes, or Member of or Subscriber to any incorporated Commercial or Trading Company established by or under Charter or Act of Parliament, shall be deemed as such a Trader liable to become bankrupt.

Traders having Privilege of Parliament.

XCI. If any such Trader having Privilege of Parliament shall commit any Act of Bankruptcy he may be dealt with under this Act in like Manner as any other Trader, but such Person shall not be subject to be arrested or imprisoned during the Time of such Privilege, except in Cases made Felonies or Misdemeanors by this Act.

Acts of Bankruptcy.

Departing the Realm, absenting, beginning to keep House, yielding to Prison, fraudulent Outlawry, Arrest, Attachment, Execution, Conveyance, Surrender, Gift, Delivery, or Transfer;

XCII. If any such Trader shall depart this Realm, or being out of this Realm shall remain abroad, or shall depart from his Dwelling House or otherwise absent himself, or begin to keep his House, or suffer himself to be arrested or taken in Execution for any Debt not due, or yield himself to Prison, or suffer himself to be outlawed, or procure himself to be arrested or taken in Execution, or his Goods, Money, or Chattels to be attached, sequestered, or taken in Execution, or make or cause to be made, either within this Realm or elsewhere, any fraudulent Grant or Conveyance of any of his Lands, Tenements, Goods, or Chattels, or make or cause to be made any fraudulent Surrender of any of his Copyhold Lands or Tenements wheresoever situate, or make or cause to be made any fraudulent Gift, Delivery, or Transfer of any of his Goods or Chattels, every such Trader doing, suffering, procuring, executing, permitting, making, or causing to be made any of the Acts, Deeds, or Matters aforesaid, with Intent to defeat or delay his Creditors, shall be deemed to have thereby committed an Act of Bankruptcy.

Conveyance of a Trader's Property not an Act of Bankruptcy unless a Petition for Adjudication be filed within Three Months;

XCIII. If any such Trader shall execute any Conveyance or Assignment by Deed of all his Estate and Effects to a Trustee or Trustees for the Benefit of all the Creditors of such Trader, the Execution of such Deed shall not be deemed an Act of Bankruptcy unless a Petition of Bankruptcy be filed within Three Months from the Execution thereof, provided such Deed shall be executed by every such Trustee within Fifteen Days after the Execution thereof by the Trader, and the Execution by the Trader and by every such Trustee be attested by an Attorney or Solicitor, and Notice thereof be given within One Month after the Execution thereof by such Trader, in case such Trader reside in *Dublin* or within Forty Miles thereof, in the "*Dublin Gazette*," and also in Two *Dublin* daily Newspapers, and in case such Trader does not reside within Forty Miles of *Dublin*, then in the "*Dublin Gazette*" and in One *Dublin* daily Newspaper and One Provincial Newspaper published near to such Trader's Residence, and such Notice shall contain the Date and Execution

Execution of such Deed, and the Name and Place of Abode respectively of every such Trustee and Attorney or Solicitor.

As to any Provision on such Conveyance for Allowance to Trader;

XCIV. Any Provision in any such Conveyance or Assignment for any Allowance to the Trader executing the same, not exceeding the Amount to which such Trader would be entitled in Bankruptcy, shall not prevent such Conveyance or Assignment given being considered as a Conveyance or Assignment of all such Trader's Estate or Effects within the Meaning of this Section.

Lying in Prison and escaping out of Prison;

XCV. If any such Trader, having been arrested or committed to Prison 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 for Twenty-one Days, or, having been arrested or committed to Prison for any other Cause, shall lie in Prison for Twenty-one Days after any Detainer for Debt lodged against him, and not discharged, every such Trader shall thereby be deemed to have committed an Act of Bankruptcy; or if any such Trader, having been arrested, committed, or detained for Debt, shall escape out of Prison or Custody, every such Trader shall be deemed to have thereby committed an Act of Bankruptcy from the Time of such Arrest, Commitment, or Detention.

Filing a Declaration of Insolvency;

XCVI. If any such Trader shall file in the Office of the Court a Declaration in Writing, in the Form contained in Schedule (C.) to this Act annexed, or to the like Effect, or in such other Form as the Court may by any General Order fix and direct, signed by such Trader, and attested by an Attorney or Solicitor, that he is unable to meet his Engagements, every such Trader shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Petition of Bankruptcy shall be filed and prosecuted by or against such Trader within Two Months from the filing of such Declaration.

Compounding with Petitioning Creditor;

XCVII. If any such Trader, after the filing of any Petition of Bankruptcy against him, shall pay Money to the Petitioning Creditor, or give or deliver to such Petitioning Creditor any Satisfaction or Security for his Debt or for any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debt than the other Creditors, such Payment, Gift, Delivery, Satisfaction, or Security shall be an Act of Bankruptcy; and if Adjudication of Bankruptcy shall have been made under such Petition, the Court may either declare such Adjudication to be valid, and direct the same to be proceeded in, or may order it to be annulled, and a Petition or new Petition for Adjudication may be filed, and such Petition or new Petition may be supported either by Proof of such last-mentioned or any other Act of Bankruptcy.

XCVIII. If

Acts of Bankruptcy.

Trader not paying, securing, or compounding for a Judgment Debt upon which the Plaintiff might sue out Execution within Fourteen Days after Notice requiring Payment;

XCVIII. If any Plaintiff shall recover Judgment in any Action for the Recovery of any Debt or Money Demand in any of Her Majesty's Superior Courts against any such Trader, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff by way of Set-off against such Judgment, and such Trader shall not, within Fourteen Days after Notice in Writing personally served upon such Trader, requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Notice.

Trader disobeying Order of a Court of Equity, &c. for Payment of Money after Service of peremptory Order for Payment on a certain Day;

XCIX. If any Decree or Order shall be pronounced in any Cause depending in any Court of Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy against any such Trader, ordering such Trader to pay any Sum of Money, and such Trader shall disobey such Decree or Order, the same having been duly served upon him, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof pursuant thereto, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Trader, being personally served with such last-mentioned Order Fourteen Days before the Day therein appointed for Payment of such Money, shall neglect to pay the same, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Day next after the Day so appointed for Payment of such Money.

Filing Petition of Insolvency in England, Scotland, or Ireland;

C. If any such Trader shall apply to the Court by Petition for his Discharge as an Insolvent Debtor, or to any Court for the Relief of Insolvent Debtors in *England* or *Scotland*, the filing of such Petition shall be an Act of Bankruptcy, if within Two Months a Petition of Bankruptcy shall be filed and prosecuted against or by such Trader.

Filing Petition in Insolvent Debtors Court in India;

CI. The filing by any such Trader of a Petition under an Act passed in the Eleventh Year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to Insolvent Debtors in* India, and the Adjudication of an Act of Insolvency under that Act, shall for the Purposes of this Act be conclusive Evidence of an Act of Bankruptcy committed by such Trader at the Time of filing such Petition, or of filing the Petition on which the Adjudication of an Act of Insolvency shall be made; and any Creditor or Creditors of such Trader, whose Debt

Acts of Bankruptcy.

or Debts shall be of sufficient Amount to enable him or them to petition for Adjudication of Bankruptcy under this Act, may at any Time within Two Months after Notice of the Insolvency shall have been given in the "*London Gazette*," as directed by the said Act for amending the Laws relating to Insolvent Debtors in *India*, petition for Adjudication of Bankruptcy under this Act against such Trader, under which all such Proceedings may be taken as are authorized by this Act, subject to such Exceptions and Provisions as are contained in the last-mentioned Act in this Behalf.

Filing Petition for Arrangement between a Trader Debtor and his Creditors;

CII. The filing of a Petition by any such Trader for an Arrangement between him and his Creditors, under the Superintendence of the Court, according to the Provisions of this Act, shall be conclusive Evidence of an Act of Bankruptcy committed at the Time of filing such Petition, provided a Petition for Adjudication shall be filed against or by him within Two Months after the Petition for Arrangement shall have been dismissed; but no Adjudication shall be made on such Act of Bankruptcy unless such Petition for Arrangement shall have been dismissed.

Trader having Privilege of Parliament not paying or compounding to the Satisfaction of the Creditor, and entering Appearance to Action within One Month.

CIII. In case any such Trader has Privilege of Parliament, any Creditor or Creditors of such Trader to an Amount requisite to support a Petition for Adjudication may file an Affidavit in any of the Superior Courts of Record in *Dublin* that such Debt is justly due, and that such Debtor is, according to the Belief of the Party swearing, such Trader, and may sue out of the same Court a Writ of Summons in the Form contained in Schedule (D.) to this Act annexed, or to the like Effect, against such Trader, and serve him with a Copy of such Summons; and if such Trader shall not, within Twenty-one Days after personal Service of the Summons, either pay, secure, or compound for such Debt to the Satisfaction of such Creditor or Creditors, or enter into a Bond for such Amount, and with such sufficient Sureties, as any Judge of the Court issuing the Summons shall approve of, to pay such Sum and Costs as shall be recovered in such Action, such Trader shall be deemed to have committed an Act of Bankruptcy from the Time of the Service of such Summons.

Manner of making a Debtor a Bankrupt by Affidavit of Debt, and giving Notice that Affidavit has been filed, and that immediate Payment is required.

CIV. If any Creditor of any such Trader to an Amount requisite to support a Petition for Adjudication shall file in the Court an Affidavit that such Debt is justly due, and shall cause him to be served personally with a Copy of such Affidavit, and with a Notice in Writing stating that such Affidavit hath been filed, pursuant to this Act, and requiring immediate Payment of such Debt, and if such Trader shall not within Fourteen Days after personal Service of

of such Affidavit and Notice, or within such further Time as the Court shall order, pay such Debt, or secure or compound for the same to the Satisfaction of such Creditor, or enter into a Bond in such Sum and with Two such sufficient Sureties as shall be approved of by the Court, or by any Master Extraordinary of the Court of Chancery, to pay such Sum as shall be recovered in any Action which shall have been brought or shall thereafter be brought for the Recovery of the same, together with such Costs as shall be given in the same, or to render himself to Custody according to the Practice of the Court in which such Action shall have been or may be brought, or within such Time and in such Manner as the said Court or any Judge thereof shall direct, after Judgment shall have been recovered in such Action, then and in any such Case such Trader shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Affidavit and Notice, provided a Petition of Bankruptcy shall be filed against or by such Trader within Two Months from the filing of such Affidavit, but not otherwise.

If Trader shall not, within Fourteen Days, satisfy Creditor, he shall be deemed to have committed an Act of Bankruptcy.

Acts of Bankruptcy by Nonpayment after Summons.

CV. If any Creditor of any such Trader shall file an Affidavit in the Office of the Court, in the Form specified in Schedule (E.) hereunto annexed, or to the like Effect, of the Truth of his Debt, and of the Debtor, as he verily believes, being such Trader, and of the Delivery to such Trader personally, or to some adult Inmate at his usual or last known Place of Abode or Business, of an Account in Writing of the Particulars of his Demand, with a Notice thereunder requiring immediate Payment thereof, in the Form specified in Schedule (F.) annexed to this Act, or to the like Effect, it shall be lawful for the Court to issue a Summons, in the Form contained in Schedule (G.) annexed, or to the like Effect, to this Act, calling upon such Trader to appear before the Court, and stating in such Summons the Purpose for which such Trader is called upon to appear as herein-after provided.

Creditor making Affidavit of Debt, &c. Court may summon the Trader.

CVI. If the Demand of the Creditor appear by such Affidavit to be due from Two or more Persons as Partners, the Affidavit of the Delivery of such Account and Notice to any One of the Partners personally, or to some adult Inmate, at his usual or last known Place of Abode or Business, and also at the Place of Business of the Firm, shall be sufficient to authorize the Court to issue such Summons against any other of such Partners, as well as against the Partner served personally with such Account and Notice.

Delivery of Notice, &c. in case of Partnership.

CVII. On the Appearance of any such Trader so summoned, the Court may require him to state whether or not he admits the Demand

Manner of proceeding upon the Appearance of the Trader.

Acts of Bankruptcy by Nonpayment after Summons.

Demand of the Creditor, or any and what Part thereof; and if such Trader shall admit such Demand or any Part thereof, the Court may reduce such Admission into Writing, in the Form contained in Schedule (H.) annexed to this Act or to the like Effect, and such Admission so reduced into Writing such Trader is hereby required to sign, and being so signed the same shall thereupon be filed in the Bankrupt Office; and the Court may examine such Trader as to whether he has a good Defence on the Merits to the whole or Part of such Demand, and after such Examination may, if it think fit, allow such Trader to make a Deposition upon Oath, in Writing under his Hand, to be filed in such Office, in the Form contained in Schedule (I.) annexed to this Act, or to the like Effect, that he verily believes he has a good Defence upon the Merits to such Demand, or to some and what Part thereof, and in such Case the Court may at the same Time require such Trader to enter into a Bond, according to the Form contained in the Schedule (J.), or to the like Effect, to this Act annexed, in such Sum, and with Two sufficient Sureties, as the Court shall approve of, to pay such Amount and Costs as shall be recovered in any Action brought for the Recovery of such Demand or any Part thereof.

Trader not attending Summons, or refusing to admit the Demand, &c., and not paying or compounding within a certain Time, or giving Bond for Payment of the same, if recovered in Action, &c. with Costs, to be an Act of Bankruptcy.

CVIII. If any such Trader so summoned shall not come before the Court at the Time appointed (having no lawful Impediment proved to the Satisfaction of the Court, and allowed), or if any such Trader upon his Appearance to such Summons, or at any Enlargement or Adjournment thereof, shall refuse to admit such Demand, and shall not make a Deposition in the Form aforesaid that he believes he has a good Defence upon the Merits to such Demand or some Part thereof, and (if required by the Court so to do) enter into such Bond as last aforesaid, then and in either of the said Cases, if such Trader shall not within Seven Days after personal Service of such Summons, or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for such Demand to the Satisfaction of such Creditor, or enter into a Bond in such Sum, and with Two sufficient Sureties, as such Court shall approve of, to pay such Sum and Costs as shall be recovered in any Action brought for the Recovery of the same, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after Service of such Summons, provided a Petition of Bankruptcy shall be filed against or by such Trader within Two Months from the filing of such Affidavit.

Trader signing Admission, and not paying, securing, or com-

CIX. If any such Trader so summoned as aforesaid shall, upon his Appearance, sign and file an Admission of the whole or any Portion of such Demand, and shall not within Seven Days next after

after the filing of such Admission pay or tender to such Creditor the Amount of such Demand, or such Portion thereof so admitted, or secure or compound for the same to the Satisfaction of the Creditor, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after the filing of such Admission, provided a Petition of Bankruptcy shall be filed against or by such Trader within Two Months from the filing of such Affidavit.

pounding within a certain Time, an Act of Bankruptcy.

CX. If any such Trader so summoned as aforesaid, who shall upon his Appearance sign an Admission for Part only of such Demand in the Form aforesaid, shall not make a Deposition in the Form aforesaid that he believes he has a good Defence on the Merits to the Residue of such Demand, and, if required by the Court so to do, enter into such Bond as aforesaid to pay such Sum and Costs as shall be recovered in any Action for the Recovery of such Residue, then and in such Case, if such Trader shall not within Seven Days after personal Service of such Summons or Notice, or within such enlarged Time as shall be granted to him in that Behalf, pay, secure, or compound for such Residue to the Satisfaction of such Creditor, or enter into a Bond in such Sum, and with Two sufficient Sureties, as the Court shall approve of, to pay such Sum and Costs as shall be recovered in any Action brought for the Recovery of such Residue, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after Service of such Summons, provided a Petition of Bankruptcy shall be filed against or by such Trader within Two Months after the filing of such Affidavit.

Trader admitting Part only of a Demand, &c., and not paying, &c. the Sum admitted, and as to Residue not paying the same, &c., or giving Bond to pay the same, if recovered in an Action, with Costs, an Act of Bankruptcy.

CXI. If any such Trader so summoned as aforesaid shall upon his Appearance refuse to sign the Admission in that Behalf required, whatever may be the Nature of his Statement, or whether he makes any Statement or not, it shall be deemed for the Purposes of this Act that every such Trader thereby refuses to admit such Demand: Provided always, that it shall be lawful for the Court, upon reasonable Cause shown, to enlarge the Time for calling upon such Trader to state whether or not he admits such Demand or any Part thereof, and for entering into such Bond, or for any of such Matters, for such Time as the Court shall think fit.

What shall be deemed a Refusal to admit Debt.

Court may enlarge the Time for Admission of entering into Bond, &c.

CXII. An Admission of any Debt made after such Summons, and signed by any such Trader elsewhere than before the Court, may be filed in the Office of the Court, and shall be of the same Force and Effect as an Admission signed by such Trader on his Appearance in Court; and such Admission may be in the Form contained in Schedule (K.) to this Act annexed or to the like Effect; and provided, that there be present some Attorney of One of Her Majesty's

Admission of Debt, signed elsewhere than in Court, if attested by Trader's Attorney, to have the same Force as an Admission signed in Court.

Acts of Bankruptcy by Nonpayment after Summons.

Superior Courts of Law on behalf of such Trader, expressly named by him, and attending at his Request, to inform him of the Effect of such Admission, before the same is signed by such Trader; and provided also, that such Attorney do subscribe his Name thereto as a Witness to the due Execution thereof, and in such Attestation declare himself to be Attorney for the said Trader, and state therein that he subscribes as such Attorney.

Court may award Costs to the Creditor or to the Trader.

CXIII. Where any such Trader shall be summoned to appear before the Court, every such Creditor or Trader shall have such Costs as the Court in its Discretion shall think fit, or the Court may direct the Costs of either Party of and incident to such Affidavit and Summons to abide the Event of any Action which shall have been brought or shall thereafter be brought for the Recovery of such Demand or any Part thereof, and in such Case such Costs shall be Costs in the Cause, and recovered under the Judgment and Execution in such Action, or the Court may make such Order in relation to such Costs as to the Court shall seem fit and just; provided, that no Costs shall be allowed under this Section to any Creditor who adopts the Proceedings provided for by this Act, and proceeds by Action at Common Law for the same Debt simultaneously.

Notice of Acts of Bankruptcy to Agents of Corporate Bodies, &c.

CXIV. If any Secretary, public Officer, or other accredited Agent of any Body Corporate or public Company shall have had Notice of any Act of Bankruptcy, such Body Corporate or Company shall be deemed to have had such Notice.

No Person liable upon Act of Bankruptcy committed more than Six Months before Petition, &c.

CXV. No Person shall be liable to be declared a Bankrupt by reason of any Act of Bankruptcy committed more than Six Months prior to the filing of the Petition of Bankruptcy; and no Adjudication of Bankruptcy shall be deemed invalid by reason of any Act of Bankruptcy prior to the Debt of the Petitioning Creditor.

Procedure in Bankruptcy.

Proceedings in Bankruptcy to originate by Petition to the Court of Bankruptcy without Commission, &c.

CXVI. Proceedings to obtain Adjudication of Bankruptcy shall be by Petition (such Petition, if presented by a Creditor, being in the Form specified in the Schedule (L.) to this Act annexed, or to the like Effect, and the Truth thereof verified by the Affidavit of the Petitioner, in the Form specified in the Schedule (M.) to this Act annexed, or to the like Effect, and if presented by a Trader, being in the Form specified in the Schedule (N.) to this Act annexed, or to the like Effect, and the Truth thereof verified by the Affidavit of such Trader, in the Form specified in the Schedule (M.) to this Act annexed, or to the like Effect); and every such Petition shall be filed and prosecuted as directed by this Act; and from and after the filing of such Petition the Court shall have full Power and

and Authority to take such Order and Direction with the Body of the Bankrupt as mentioned in this Act, as also with all his Lands, Tenements, and Hereditaments, both within this Realm and abroad, as well Copy or Customaryhold as Freehold, which he shall have in his own Right before he became bankrupt, as also with all such Interest in any such Lands, Tenements, and Hereditaments as such Bankrupt may lawfully depart withal, and with all his Money, Fees, Offices, Annuities, Goods, Chattels, Wares, Merchandise, Rights, Credits, Effects, and Debts, wheresoever they may be found or known, and to make or order Sale thereof in manner herein mentioned, or otherwise order the same for Satisfaction and Payment of the Creditors of the Bankrupt.

Procedure in Bankruptcy.

CXVII. The Amount of the Debt of Creditors petitioning for Adjudication of Bankruptcy shall be as follows; (that is to say,)

The Debt of a single Creditor shall amount to Fifty Pounds or upwards:

The Debt of Two Creditors shall amount to Seventy Pounds or upwards:

The Debt of Three or more Creditors shall amount to One hundred Pounds or upwards;

Amount of Petitioning Creditors Debt.

Every Person who has given Credit to any Trader upon valuable Consideration for any Sum payable at a certain Time, which Time shall not have arrived when such Trader committed an Act of Bankruptcy, may so petition or join in petitioning whether he shall have had any Security in Writing for such Sum or not.

Debt may be payable at a future Time although Security given.

CXVIII. A Petition of Bankruptcy against any Person by any Copartnership duly authorized to sue in the Name of its public Officer may be filed by such public Officer as the nominal Petitioner on behalf of such Copartnership.

Petition for Adjudication may be made by the public Officer of certain Copartnerships.

CXIX. A Petition of Bankruptcy against any Trader by any Body Corporate, or incorporated or Joint Stock or public Company, may be verified by the Affidavit of its Secretary, public Officer, or other Agent duly authorized on that Behalf.

Verification of Petition of Bankruptcy.

CXX. Any such Trader may petition for Adjudication of Bankruptcy against himself.

Trader may petition against himself.

CXXI. If the Petitioning Creditor shall not proceed and obtain an Adjudication within Five Days after his Petition shall have been filed, or within such extended Time as shall be allowed by the Court, the Court may, at any Time within Seven Days then next following, upon the Application of any other Creditor to the Amount required

If Adjudication be not obtained within Five Days after Petition, any other Creditor may proceed on it.

to

Procedure in Bankruptcy.

to constitute a Petitioning Creditor, proceed to adjudicate on such Petition, upon the Proof of the Debt of such Creditor, and of the other Requisites to support such Petition (except the Debt of the Petitioning Creditor); but if neither the Petitioner nor any other Creditor shall within such Seven Days, or within such extended Time as may be granted by the Court for that Purpose, apply to the Court to proceed to Adjudication, such Petition shall be forthwith dismissed.

Petitions may be presented against One or more Partners, and Petitions against Two or more Persons may be dismissed as to One or more without affecting the rest.

CXXII. Any Creditor whose Debt is sufficient to entitle him to petition for Adjudication of Bankruptcy against all the Partners of any Firm may petition for such Adjudication against One or more Partners of such Firm, and every such Petition shall be valid although it does not include all the Partners of the Firm; and in every Petition for Adjudication against Two or more Persons the Court may dismiss the same as to One or more of such Persons, and the Validity of such Petition shall not be thereby affected as to any Person as to whom such Petition is not ordered to be dismissed, nor shall any such Person's Certificate be thereby affected.

Proceedings in Cases of a Second Petition against One or more Members of a Firm.

CXXIII. After a Petition of Bankruptcy filed against or by One or more Member or Members of a Firm, and upon any Petition or Petitions of Bankruptcy against or by any other Member or Members of such Firm, or against the whole Firm, all the Estate, Real and Personal, of such Bankrupt or Bankrupts, shall vest in the Official Assignees and the Creditors Assignee (if any) under the First Petition; and thereafter all separate Proceedings under such subsequent Petition or Petitions shall, without affecting the Validity of the First Petition, be annexed to and form Part of the First Petition.

In case Trader against whom a Petition has been filed be about to quit Ireland, or to remove or conceal his Goods, with Intent to defraud Creditors, he may be arrested, and his Goods seized;

CXXIV. Whenever any Petition of Bankruptcy shall have been filed against any Person, and it shall be proved to the Satisfaction of the Court that there is probable Cause for believing that such Person has quitted or is about to quit *Ireland*, or has removed or is about to remove or conceal any of his Goods or Chattels, with Intent to defraud his Creditors, unless he be forthwith apprehended it shall be lawful for the Court to issue a Warrant directed to a Messenger of the Court and his Assistants, or to such Person or Persons as the Court shall think fit, whereby such Messenger and his Assistants, or other Person or Persons, shall have Authority to arrest and commit to such Prison as the Court shall think fit the Person against whom such Petition shall have been filed, and also to seize his Books, Papers, Monies, Securities for Monies, Goods and Chattels, wheresoever he or they may be found, and him and them safely keep until such Person shall be discharged by the Court: Provided always, that any Person arrested upon any such Warrant, or whose Books, Papers,

Trader so arrested may apply to the Court for his Discharge forthwith.

Monies,

Monies, Securities for Monies, Goods or Chattels, have been seized under any such Warrant, may apply to the Court for an Order on the Petitioning Creditor to show Cause why the Person arrested should not be discharged out of Custody, or why his Books, Papers, Monies, Securities for Monies, Goods, and Chattels should not be delivered up to him, and it shall be lawful for such Court to make absolute or discharge such Order.

Procedure in Bankruptcy.

CXXV. If in any Case it shall be proved to the Satisfaction of the Court that any Bankrupt is keeping out of the Way, and cannot be personally served with a Summons, and that due Pains have been taken to effect such personal Service, or that there is probable Cause for believing that he is about to quit *Ireland*, or to remove or conceal any of his Goods or Chattels, unless he be forthwith apprehended, it shall be lawful for such Court by Warrant to authorize and direct any Person or Persons it shall think fit to arrest such Bankrupt, and bring him before the Court to be examined, in like Manner as if he appeared upon a Summons.

If Bankrupt be keeping out of the Way, or be about to quit Ireland, &c., Court may issue Warrant for his Arrest.

CXXVI. The Court, before Adjudication, may summon before it any Person whom such Court shall believe capable of giving any Information concerning the Trading of or any Act of Bankruptcy committed by the Person against whom any Petition of Bankruptcy has been filed, and may require any Person so summoned to produce any Books, Papers, Deeds, and Writings and other Documents in his Custody, Possession, or Power, which may appear to the Court to be necessary to establish such Trading or Act of Bankruptcy; and it shall be lawful for the Court to examine any such Person upon Oath, by Word of Mouth or Interrogatories in Writing, concerning such Trading and Act of Bankruptcy.

Court may, before Adjudication, summon Witnesses to prove Trading and Act of Bankruptcy.

CXXVII. The Court, under a Petition filed by a Creditor, shall, upon Proof of the Petitioning Creditor's Debt, and of the Trading and Act of Bankruptcy of the Person against whom such Petition is filed, adjudge such Trader bankrupt, or if, in case of the Failure of the Petitioning Creditor to proceed and obtain Adjudication within Five Days after his Petition shall have been filed, or within such extended Time as may be allowed by the Court, another Creditor shall apply for Adjudication upon such Petition, then upon such Application, and Proof of such Creditor's Debt, and of the Trading and Act of Bankruptcy of the Person against whom such Petition is filed, the Court shall adjudge such Trader bankrupt; and under a Petition filed by a Trader, the Court, upon the Application of such Trader, and upon Proof of the Trading, shall adjudge such Trader bankrupt; and any such Petition not effectually prosecuted to an

Court to make Adjudication, &c. upon certain Proofs.

Procedure in Bankruptcy.

Adjudication within Fourteen clear Days after its Date shall be dismissed, unless the Court shall enlarge the Time for proceeding thereunder.

In case Petitioning Creditor's Debt be insufficient, Court may proceed upon the Application of any other Creditor whose Debt is sufficient.

CXXVIII. If after Adjudication the Debt of the Petitioning Creditor shall be found by the Court to be insufficient to support such Adjudication, it shall be lawful for the Court, upon the Application of any other Creditor, having proved any Debt sufficient to support an Adjudication, to order the Petition of Bankruptcy to be proceeded in, and it shall by such Order be deemed valid.

Bankrupt to have Notice before Advertisement of Adjudication, and to be allowed Three Days, or such Time not exceeding Seven Days, as the Court shall think fit, to show Cause against Adjudication.

CXXIX. Before Notice of any Adjudication of Bankruptcy on any Creditor's Petition shall be given in the "*Dublin Gazette*," a Duplicate of such Adjudication shall be served on the Person adjudged bankrupt, personally, or by leaving the same at the usual or last known Place of Abode or Place of Business of such Person; and such Person shall be allowed Three Days, or such extended Time, not exceeding Seven Days in the whole, as the Court shall think fit, from the Service of such Duplicate, to show Cause to the Court against the Validity of such Adjudication; and if such Person shall within such Time show to the Satisfaction of the Court that the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy upon which such Adjudication has been grounded, or any or either of such Matters, are insufficient to support such Adjudication, and if no other Creditor's Debt, Trading, and Act of Bankruptcy sufficient to support such Adjudication shall be proved to the Satisfaction of the Court, the Court shall thereupon order such Adjudication to be annulled, and the same shall be annulled accordingly; but if at the Expiration of the said Time no Cause shall have been shown to the Satisfaction of the Court for the annulling of such Adjudication, the Court shall forthwith cause Notice of such Adjudication to be given in the "*Dublin Gazette*:" Provided always, that nothing herein contained shall be construed to prevent the immediate Seizure of the Goods of the Bankrupt upon the Adjudication of Bankruptcy.

Court to appoint Sittings for Bankrupt to surrender and conform.

CXXX. The Court shall in every such Notice of Adjudication, and in every Notice of Adjudication on the Petition of any such Trader, appoint Two public Sittings of the Court for the Bankrupt to surrender and conform, the last of which Sittings shall be on a Day not less than Twenty Days and not exceeding Forty Days from such Advertisement, and shall be the Day limited for such Surrender: Provided always, that the Court shall have Power from Time to Time to enlarge the Time for the Bankrupt surrendering himself for such Time as the Court shall think fit.

CXXXI. If

Procedure in Bankruptcy.

CXXXI. If any Person so adjudged bankrupt shall, before the Expiration of the Time allowed for showing Cause, surrender himself, and give his Consent to such Adjudication being advertised, the Court shall forthwith cause the Notice of Adjudication to be advertised, and appoint the Sittings for the Bankrupt to surrender and conform.

Adjudication may, with Bankrupt's Consent, be advertised before the Expiration of the Time allowed for showing Cause.

CXXXII. Immediately after the Insertion of the Notice of Adjudication in the Gazette, or if the Bankrupt, before the Expiration of the Time allowed for showing Cause against the Adjudication, surrender himself, and give Consent to such Insertion, then immediately after such Surrender the Bankrupt shall (if thereunto required by the Official Assignee) deliver up to the Official Assignee, upon Oath to be made before the Court or any Registrar thereof, or before a Master Ordinary or Extraordinary in Chancery, or Justice of the Peace, all Books of Account, Papers, and Writings relating to his Estate in his Custody or Power, and discover such as are in the Custody or Power of any other Person; and every Bankrupt not in Prison or Custody shall at all Times after such Surrender attend the Assignees, upon every reasonable Notice in Writing for that Purpose given by them to him, or left at his usual or last known Place of Abode, and shall assist such Assignees in making out the Accounts of his Estate; and such Bankrupt, after he shall have surrendered, may, at all seasonable Times before the Expiration of such Time as shall be allowed to him to finish his Examination, inspect his Books, Papers, and Writings in the Presence of his Assignees, or any Person appointed by them, and bring with him each Time any Two Persons to assist him; and every such Bankrupt, after he shall have obtained his Certificate, shall, upon Demand in Writing given to him or left at his usual or last known Place of Abode, attend the Assignees to settle any Accounts between his Estate and any Debtor to or Creditor thereof, or attend any Court of Record to give Evidence touching the same, or do any Act necessary for getting in or protecting the said Estate, for which Attendance he shall be paid by the Official Assignee out of his Estate such Sum as the Court shall direct.

Bankrupt to deliver up his Books of Account, &c. to the Official Assignee, upon Oath;

to attend Assignees;

to be at liberty to inspect Books, &c.;

and after Allowance of Certificate, to attend Assignees in settling Accounts.

Allowance for Attendance.

CXXXIII. If the Bankrupt be not in Prison or in Custody at the Date of the Adjudication, he shall be free from Arrest or Imprisonment by any Creditor in coming to surrender, and after such Surrender during the Time by this Act limited 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 whenever any Bankrupt is in Custody under any Process, Attachment, Execution, Commitment, or Sentence, the Court may, by Warrant

If Bankrupt be not in Prison or Custody, to be free from Arrest in coming to surrender, &c., and if in Prison may be brought up by Warrant to be examined or to surrender, &c., and if in Prison for Debt the Court may, except in

certain Cases, order his Release, absolutely or conditionally.

Warrant directed to the Person in whose Custody he is confined, cause him to be brought before it at any Sitting, either public or private, and if he be desirous to surrender he shall be so brought up, and the Expense thereof shall be paid out of his Estate, and such Person shall be indemnified by the Warrant of the Court for bringing up such Bankrupt; and where any Person who has been adjudged bankrupt, and has surrendered, and obtained his Protection from Arrest, is in Prison or in Custody for Debt at the Time of his obtaining such Protection, the Court may, except in the Cases next herein-after mentioned, order his immediate Release, either absolutely or upon such Conditions as it shall think fit: Provided always, that the Court shall not order such Release where it shall appear that he is in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him whereby he had been convicted of any Offence, or for any Debt contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Commission of Bankrupt, or maliciously filing or prosecuting a Petition for Adjudication in Bankruptcy: Provided also, 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.

If arrested, to be discharged on producing Protection.

Penalty on Detention.

CXXXIV. If any Bankrupt shall be arrested for Debt in coming to surrender, 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, for his own Use, 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.

Petitioning Creditor to proceed at his own Costs until Choice of Assignees.

CXXXV. The Petitioning Creditor shall, at his own Costs, file his Petition, and prosecute the same, until the Choice of Assignees by the Creditors; and the Court shall, at or after the Sitting for such Choice, make Order for the Payment of such Costs out of the Estate of the Bankrupt in course of Priority to be settled by any General Order to be made in pursuance of this Act.

CXXXVI. No

Procedure in Bankruptcy.

Petition, &c. not to be invalid by reason only of Concert.

CXXXVI. No Petition of Bankruptcy shall be dismissed, nor any Adjudication reversed, by reason only that the Petition or Act of Bankruptcy has been concerted or agreed upon between the Bankrupt, his Solicitor or Agent, or any of them, and any Creditor or other Person.

Court may proceed notwithstanding Death of Bankrupt.

CXXXVII. If any Bankrupt shall die after Adjudication the Court may proceed in the Bankruptcy as if such Bankrupt were living.

Last Examination.

The Bankrupt to prepare and file a Balance Sheet and Accounts, &c.

CXXXVIII. The Bankrupt shall prepare such Balance Sheet and Accounts, and in such Form as the Court shall direct, and shall subscribe such Balance Sheet and Accounts, and file the same in the Bankrupt Office, and deliver a Copy thereof to the Official Assignee, Ten Days at least before the Day appointed for the last Examination, or the Adjournment Day thereof; and such Balance Sheet and Accounts may before such last Examination be amended from Time to Time as Occasion shall require and such Court shall direct; and the Bankrupt shall make Oath of the Truth of such Balance Sheet and Accounts, whenever he shall be duly required by the Court so to do; and the Court may, on the Application of the Assignees or of the Bankrupt, make such Allowance out of the Estate of the Bankrupt for the Preparation of such Balance Sheet and Accounts, and to such Person, as the Court shall think fit, in any Case in which it shall be made to appear to the Satisfaction of the Court, from the Nature of the Accounts or other good Cause, that the Bankrupt required Assistance in that Behalf.

As to Bankrupt apprehended by Warrant, and afterwards submitting to be examined.

CXXXIX. If any Bankrupt apprehended by any Warrant of the Court shall, within the Time allowed for him to surrender, submit to be examined, and in all things conform, he shall have the same Benefit as if he had voluntarily surrendered.

Court may adjourn last Examination sine die.

CXL. It shall be lawful for the Court, at the Time appointed for the last Examination of the Bankrupt, or at any Enlargement or Adjournment thereof, to adjourn such Examination *sine die*.

Protection of Bankrupt from Arrest.

CXLI. It shall be lawful for the Court, at the Time appointed for the last Examination of the Bankrupt, or any Enlargement or Adjournment thereof, whether the Examination shall be passed or not, to order that the Bankrupt shall be free from Arrest or Imprisonment for such Time (if any) as such Court shall from Time to Time think fit to appoint.

CXLII. When-

Last Examination.

If Bankrupt in Custody, Court may appoint a Person to attend him with Books, Papers, &c.

CXLII. Whenever any Bankrupt is in Custody the Court may appoint a Person to attend him from Time to Time, and produce to him his Books, Papers, and Writings, in order that he may prepare his Balance Sheet, and show the Particulars of his Estate and Effects, previous to his last Examination.

Certificate of Conformity.

Mode of obtaining Certificate of Conformity.

CXLIII. Forthwith after the Bankrupt shall have passed his last Examination, if no Prosecution shall have been directed by the Court, nor any Charge of Fraud have been entered on the Proceedings, nor any Objection to the signing of the Certificate be entered in the Court, the Certificate of Conformity shall be prepared by the Chief Registrar, and signed by the Court, 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; but if any Objection to the granting of the Certificate be made before or at the last Examination, then the Court shall appoint a public Sitting for the Allowance of the Certificate (whereof Twenty-one Days Notice shall be given in the "*Dublin Gazette*"), and at such Sitting or any Adjournment thereof the Assignees, or any of the Creditors of such Bankrupt, may be heard against the Allowance of such Certificate; and the Court, having regard to the Conformity of the Bankrupt to the Law of Bankruptcy, and to his Conduct as a Trader before as well as after his Bankruptcy, and whether the Allowance of such Certificate be opposed by any Creditor or not, shall judge of any Objection against allowing such Certificate, and either find the Bankrupt entitled thereto, and allow the same, or suspend the Allowance thereof for any Period not exceeding Three Years.

Form of Certificate.

CXLIV. 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 (O.) 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.

Notice of Allowance.

Effect of Certificate.

CXLV. The Certificate of Conformity shall, subject to the Provisions herein contained, discharge the Bankrupt from all Debts due by him at the Date of the filing of the Petition of Bankruptcy,

Certificate of Conformity.

Bankruptcy, and from all Claims and Demands provable under the Bankruptcy: Provided always, that no such Certificate shall release or discharge any Person who was a Partner with such Bankrupt or was jointly bound or had made any joint Contract with such Bankrupt.

Security to induce Creditor to forbear Opposition to Certificate void.

CXLVI. Any Contract or Security made or given by any Bankrupt or other Person unto or in trust for any Creditor, for securing the Payment of any Money due by such Bankrupt at his Bankruptcy as a Consideration or with Intent to persuade such Creditor to forbear opposing, or to consent to the Allowance of the Bankrupt's Certificate, shall be void, and the Money thereby secured or agreed to be paid shall not be recoverable.

Bankrupt not liable upon any Promise to pay Debt discharged by Certificate.

CXLVII. No Bankrupt after his Certificate shall have been allowed shall be liable to pay or satisfy any Debt, Claim, or Demand from which he shall have been discharged by virtue of such Certificate, or any Part of such Debt, Claim, or Demand, upon any Contract, Promise, or Agreement made after the filing of the Petition of Bankruptcy; and the Money thereby secured or agreed to be paid shall not be recoverable.

Bankrupt having obtained his Certificate free from Arrest.

CXLVIII. Any Bankrupt who shall, after his Certificate shall have been allowed, be arrested or have any Action brought against him for any Debt, Claim, or Demand provable under his Bankruptcy, shall be discharged, and may plead in general that the Cause of Action accrued before he became bankrupt, and may give this Act and the special Matter in Evidence; and such Bankrupt's Certificate shall be sufficient Evidence of the Trading, Bankruptcy, Petition for Adjudication, and other Proceedings precedent to the obtaining such Certificate; and if any such Bankrupt shall be taken in Execution or detained in Prison for such Debt, Claim, or Demand, it shall be lawful for any Judge of the Court wherein Judgment has been so obtained, on such Bankrupt producing his Certificate, to order any Officer who shall have such Bankrupt in Custody by virtue of such Execution to discharge such Bankrupt, without exacting any Fee, and such Officer shall be hereby indemnified for so doing.

Certificate to be Evidence of the Bankruptcy and Proceedings, and Bankrupt in Execution may be discharged.

Composition after Bankruptcy.

If after Adjudication Three Fifths in Number and Value of Creditors accept Composition, the same shall bind the rest.

CXLIX. Any Bankrupt, at any Time after Adjudication, may call a Meeting of his Creditors (whereof and of the Purport whereof Ten Days Notice shall be given in the "*Dublin Gazette*"); and if the Bankrupt or his Friends shall make an Offer of Composition, and Three Fifths in Number and Value of the Creditors assembled at such Meeting, or represented at such Meeting by an Agent authorized in Writing, shall agree to accept the same, another Meeting for

Composition after Bankruptcy.

for the Purpose of deciding upon such Offer shall be appointed to be holden, whereof such Notice shall be given as aforesaid, and Notice of the Meeting, and of the Composition to be offered, shall also be delivered to each Creditor, or left at his Place of Business or last or usual Place of Abode, or transmitted to him by Post, Ten Days before such Second Meeting; and if at such Second Meeting Three Fifths in Number and Value of the Creditors then present or represented by an Agent authorized in Writing shall also agree to accept such Offer, the Court may, upon such Acceptance being testified in Writing, and upon Payment of such Sum as the Court shall direct, annul the Adjudication of Bankruptcy; and every Creditor of such Bankrupt shall be bound to accept of such Composition.

Mode of voting in deciding upon such Composition.

CL. In deciding upon the Offer of Composition, no Creditor whose Debt is below Twenty Pounds shall be reckoned in Number, but the Debt due to such Creditor shall be computed in Value; and every Creditor to the Amount of Fifty Pounds and upwards, residing out of *Ireland*, shall be served personally, or in such other Form as the Court shall direct, with a Copy of the Notice of the Meeting to decide upon such Offer as aforesaid, and of the Purpose for which the same is called, so long before such Meeting as that he may have Time to vote thereat; and if any Creditor shall agree to accept any Gratuity or higher Composition for assenting to such Offer, he shall forfeit the Debt due to him, together with such Gratuity or Composition; and the Bankrupt shall (if thereto required) make Oath before the Court that there has been no such Transaction between him, or any Person with his Privity, and any of the Creditors, and that he has not used any undue Means or Influence with any of them to attain such Assent.

Bankruptcy of Joint Stock Companies.

If any Joint Stock Company shall commit an Act of Bankruptcy, a Petition of Bankruptcy may be prosecuted as against other Bankrupts, subject to the Provisions herein made.

CLI. If any Joint Stock Company within the Meaning of this Act shall commit any Act which by this Act is to be deemed an Act of Bankruptcy on the Part of any such Company, a Petition of Bankruptcy may be filed against such Company, upon the Petition of any Creditor or Creditors of such Company (whether a Member or Members of such Company or not) to such Amount as is requisite to support a Petition of Bankruptcy; and the Judges of the Court may proceed thereon in like Manner as against other Bankrupts, subject always to the Provisions herein-after made.

Bankruptcy of Company not to be the Bankruptcy of any Member individually.

CLII. The Bankruptcy of any such Company in its associated Capacity shall not be construed to be the Bankruptcy of any Member of such Company in his individual Capacity.

CLIII. If

Bankruptcy of Joint Stock Companies.

CLIII. If any such Company shall, by virtue of a Resolution to be duly passed in that Behalf by the Directors of such Company, file or cause to be filed in the Court a Declaration in Writing, in the Form specified in the Schedule (C.) No. 2. hereunto annexed, that the said Company is unable to meet its Engagements, such Declaration being under the Common Seal of such Company, and if such Company have no Common Seal, then signed by the Chairman of the Board of Directors who was present at the passing of such Resolution, and in either Case such Declaration being attested by the Attorney or Solicitor of the said Company for the Time being, every such Company shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Petition of Bankruptcy shall be filed against such Company within Two Calendar Months from the filing of such Declaration.

Declaration of Insolvency in pursuance of a Resolution of the Directors, &c., and filed in the Office of the Court, to be an Act of Bankruptcy.

CLIV. If any Plaintiff shall recover Judgment in any Action for the Recovery of any Debt or Money Demand in any of Her Majesty's Courts of Record, against any such Company, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff which may be set off against such Judgment, and such Company shall not, within Fourteen Days after Notice in Writing served upon the said Company, requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, such Company shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Notice.

Company not paying, securing, or compounding for a Judgment Debt, within Fourteen Days after Notice, an Act of Bankruptcy.

CLV. If any Decree or Order shall be pronounced in any Court of Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy against any such Company, ordering any Sum of Money to be paid by such Company, and such Company shall disobey such Decree or Order, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Company, being served with such last-mentioned Order Fourteen Days before the Day therein appointed for Payment of such Money, shall neglect to pay the same, such Company shall be deemed to have committed an Act of Bankruptcy on the Day so appointed for the Payment of such Money.

Company disobeying Order of any Court of Equity, &c. for Payment of Money after Service of Order for Payment on a peremptory Day fixed, an Act of Bankruptcy.

CLVI. If any Creditor of any such Company to such an Amount as is requisite to support a Petition for Adjudication shall file an Affidavit in the Court that such Debt or Debts is or are justly due to him or them respectively from the said Company, and shall cause

Creditor filing an Affidavit of Debt in the Court, if the Company do not within 21 Days pay, secure, or

compound to the Satisfaction of the Creditor an Act of Bankruptcy.

such Company to be served with a Copy of such Affidavit, and with a Notice in Writing, stating that such Affidavit hath been filed pursuant to this Act, and requiring immediate Payment of such Debt, and if such Company shall not, within Twenty-one Days after such Service, pay, secure, or compound for such Debt or Debts to the Satisfaction of such Creditor or Creditors, or enter into a Bond with Two such sufficient Securities as shall be approved of by the Court or by any Master Extraordinary of the Court of Chancery to pay such Sum as shall be recovered in any Suit for the Recovery of the said Debt, every such Company shall be deemed to have committed an Act of Bankruptcy on the Twenty-second Day of the Service of such Notice and Affidavit.

Assignees of the Estate of a Company may maintain Action to recover a Debt; and any Person may claim any Debt due on the Balance of Accounts.

CLVII. It shall be lawful for the Assignees of the Estate and Effects of any such Company to maintain any Suit against any Person (whether a Member of such Company or not), to recover any Debt or Demand on behalf of the said Company against such Person, and for any Person to prove or claim against such Company such Debt or Demand as may be due to him or them (whether a Member of such Company or not) on the Balance of Accounts between him and the said Company.

Member's Share not to be set off against a Demand which the Assignees of the Estate and Effects of a Company may have against such Member.

CLVIII. No Claim or Demand which any Member of any such Company may have in respect of his Share of the Capital or Joint Stock thereof, or of any Dividends, Interests, Profits, or Bonus payable or apportionable in respect of such Share, shall be capable of being set off against any Demand which the Assignees of such Company may have against such Member on account of any other Matter or Thing whatsoever, but all Proceedings in respect of such Matter or Thing may be carried on as if no Claim or Demand existed in respect of such Capital or Joint Stock, or of any Dividends, Interests, Profits, or Bonus payable or apportionable in respect thereof.

The Court may order the Directors of a Company adjudged bankrupt, &c. to prepare, verify, and file a Balance Sheet and Accounts.

CLIX. The Court may at any Time after the Advertisement of the Bankruptcy of any such Company or Body in the *Dublin Gazette* order that the Persons who were at the Date of such Petition Directors of such Company, or such of them as the Court shall think fit, or if there be no Directors then that such Members of the Company as the Court shall think fit, shall prepare such Balance Sheet and Accounts, and in such Form as the Court shall direct, and shall subscribe such Balance Sheet and Accounts, and file the same, and deliver a Copy thereof to the Assignee Ten Days at least before the last Examination; and such Balance Sheet and Accounts, before such last Examination, may be amended from Time to Time as Occasion shall require and the Court shall direct; and such Persons shall make Oath of the Truth of such Balance Sheet and Accounts whenever they shall be

be duly required so to do; and the Court may from Time to Time make such Allowance out of the Estate of such Company for the Preparation of such Balance Sheet and Accounts, and to such Person or Persons as the Court shall think fit.

Bankruptcy of Joint Stock Companies.

CLX. Every such Person ordered to prepare such Balance Sheet and Accounts shall be under the like Obligation to surrender and to sign and subscribe such Surrender, and to submit to be examined before the Court from Time to Time upon Oath, and to make a full and true Discovery of the Estate and Effects of such Company, and shall incur such Danger or Penalty for not surrendering, or for not signing or subscribing such Surrender, or for not coming before the Court, or for refusing to be sworn and examined, or for not fully answering to the Satisfaction of the Court, or for refusing to sign or subscribe his Examination, or for not delivering up at the last Examination all such Part of the Estate of such Company, and all Books, Papers, and Writings relating thereunto, as shall be in his Possession, Custody, or Power, or for removing, concealing, or embezzling any Part of such Estate to the Value of Ten Pounds or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud the Creditors of such Company, as is provided as to a Bankrupt for not conforming to the like Requisitions for the Discovery of and in relation to the Estate and Effects of such Bankrupt.

Persons ordered by the Court to prepare the Balance Sheet to be under the like Obligation to surrender at the last Examination, and to submit to be examined, &c., and to incur such Danger or Penalty for not conforming, &c. as is now provided against a Bankrupt.

CLXI. Every such Person so ordered to prepare such Balance Sheet and Accounts shall have such Freedom from Arrest and Imprisonment in coming to surrender, and such Discharge if arrested in coming to surrender, as a Bankrupt may have under a Petition of Bankruptcy against him; and such Person or Persons, if in Prison, may be brought before such Court by Warrant in like Manner as such Bankrupt now may.

Persons ordered to prepare the Balance Sheet to have the same Freedom from Arrest, &c. as a Bankrupt.

CLXII. Where any Person who, at or before the Date of a Petition of Bankruptcy filed against any such Company, was a Member of such Company, shall be summoned to attend before the Court, every such Person shall have such Costs and Charges (if any) as the Court shall think fit.

As to Costs where a Person summoned was a Member of Company.

CLXIII. If any Person who, at or before the Date of the Petition against any such Company, was a Member of such Company, but not being a Person so ordered as aforesaid to prepare such Balance Sheet and Accounts, or if any other Person, shall wilfully conceal any Real or Personal Estate of any such Company, and shall not within Thirty Days after the Advertisement of the Adjudication against such Company discover such Estate to the Court, or to the Assignees, every

Penalty on Persons wilfully concealing the Estate of the Company.

Bankruptcy of Joint Stock Companies.

every such Person shall forfeit the Sum of One hundred Pounds, and double the Value of the Estate so concealed.

The Court, after Adjudication, may order any Treasurer, &c. to deliver to the Official Assignee, or to Bank of Ireland, all Monies, &c. in his Custody.

CLXIV. After the Adjudication of Bankruptcy shall have been advertised, it shall be lawful for the Court to order any Treasurer or other Officer, or any Attorney or Solicitor or other Agent of the Company adjudged bankrupt, to pay and deliver over to the Assignees, or to the Bank of *Ireland* or any of the Branches thereof, all Monies or Securities for Money in his Custody, Possession, or Power as such Officer or Agent, and which he is not by Law entitled to retain as against the Bankrupt or Bankrupts, or his or their Assignees.

The Court may give Directions for winding up the Affairs of the Company.

CLXV. It shall be lawful for the Court to make all such Orders and give all such Directions as shall be necessary for the final winding-up and settling the Affairs of such Company, and to compel a just Contribution from all the Members of such Company towards the full Payment of all the Debts and Liabilities of such Company, and of the Costs of winding-up and finally settling the Affairs of such Company, and for that Purpose to take all such Accounts and make all such Inquiries as shall be required; and the Court may order Payment to the Assignees of the several and respective Sums of Money which shall be found necessary and proper to be paid in or towards Satisfaction of the Debts which by the Proceedings in Bankruptcy shall have been found to be due to the Creditors of such Company, and all Persons having Claims and Demands thereon, and also in satisfaction of Costs, and may order the Assignees to apply such Sums of Money in satisfaction of such Debts, Claims, and Demands, and Costs.

Power of Court to make Calls.

CLXVI. It shall be lawful for the Court at any Time after Adjudication, and from Time to Time, to make Calls on all or any of the Members or Contributories of the Company for Payment of all or any Sums the Court may deem necessary to satisfy the Debts of the Company and the Costs of winding it up.

Court may stay Prosecution of Actions.

CLXVII. It shall be lawful for the Court at any Time after the Adjudication of Bankruptcy shall have been advertised, by its Order, to stay the Prosecution of any Action, Suit, or other Proceeding, or the issuing of any Execution, in respect of any Debt or Demand proveable under the Petition against the Property or Person of any Member or former Member of such Company, either absolutely or on such Terms and Conditions as to the Court shall seem fit.

The Court shall inquire into the Cause of the

CLXVIII. Previous to passing the last Examination under a Petition against any such Company it shall be the Duty of the Court to

to inquire into the Cause of the Failure of such Company; and after the passing of such last Examination, or after the Time allowed by the Court for that Purpose shall have elapsed, the Court shall cause a Copy of the Balance Sheet filed in the Court to be transmitted to the Committee of Privy Council for Trade, and the Court shall at the same Time certify in Writing to the said Committee what, in the Opinion of the Court, was the Cause of the Failure of such Company, and state any special Circumstances relating to the Formation or Management of the Affairs of such Company which to the Court shall seem expedient and material, and shall cause to be annexed to such Certificate a Copy of the Examination of any Person or Persons taken under such Petition, and which the Court shall deem material, relating to the Formation or Management of the Affairs of such Company or Body.

Failure of Company, and shall transmit a Copy of the Balance Sheet to the Board of Trade, and certify the Cause of the Failure, and any special Circumstances.

CLXIX. After the Court shall have certified to the said Committee the Cause of the Failure of any such Company, it shall and may be lawful for Her Majesty, Her Heirs and Successors, upon the Recommendation of the said Committee, by any Instrument in Writing under Her or their Great Seal of *Ireland*, to signify Her or their Pleasure for revoking and making void, and thereby to revoke and make void, all the Powers, Privileges, and Advantages at any Time by any Charter or Letters Patent or Act of Parliament granted to such Company, and to determine the same, and thereupon the said Powers, Privileges, and Advantages shall accordingly be revoked, and the same Company shall be determined, without any Inquisition, Scire facias, or any Matter or Thing to make void or determine the same, anything in such Charter or Letters Patent or Act of Parliament contained to the contrary notwithstanding.

When Court shall have certified the Cause of the Failure of any such Company, Her Majesty may revoke any Privileges granted to the Company.

CLXX. After the Court shall have certified to the said Committee the Cause of the Failure of any such Company, the said Committee may, whenever it shall think fit, cause all the Papers relating to such Failure, and to the Formation and Management of such Company, and to the Conduct of any of the Directors or other Officers of the said Company therein, or to any or either of such Matters, to be laid before Her Majesty's Attorney General for *Ireland*, who shall direct whether any and what Proceedings shall be taken thereupon against any Person who was a Director or other Officer of such Company, or any other Person.

The Board may cause the Papers to be laid before the Attorney General to direct any Proceedings thereon.

CLXXI. Until the Determination of such Company by Her Majesty, Her Heirs or Successors, such Company, and the Persons who were Officers thereof at the Time of such Determination, shall respectively be considered as subsisting, and as continuing such Officers as aforesaid, for all the Purposes for which the same was originally

Until Determination of Company by the Crown, it shall be considered as subsisting, and, notwithstanding such

Determination, shall be considered as subsisting for winding up.

originally constituted, and that, notwithstanding such Determination as aforesaid, the same shall be considered as subsisting and continuing respectively so long and so far as may be necessary for the winding up of the Concerns of such Company.

Notwithstanding Determination of Company in any other Manner, the same to be considered as subsisting so long as any Matters remain unsettled.

CLXXII. Notwithstanding the Determination of any Company by any other Means than as last aforesaid, such Company, and the Persons who were Officers thereof at the Time of such Determination, shall respectively be considered as subsisting, and as continuing such Officers as aforesaid, for all the Purposes of this Act, so long and so far as any Matters relating to such Company shall remain unsettled.

When Company to be deemed an Irish Company.

CLXXIII. In all Cases in which a Joint Stock Company shall carry on Business in *Ireland* and elsewhere, if the Head Office of the Company shall be or shall have last been in *Ireland*, such Company shall be deemed an *Irish* Company within and subject to the Provisions of this Act.

Service of Order, &c. on Company.

CLXXIV. Service of any Order, Summons, Notice, or other Document on any Joint Stock Company, under the Provisions of this Act, may be made by delivering the same to the Chief Clerk or Secretary of the Company, or any Director of the Company personally, or by leaving the same at the Head Office of the Company with any Officer or Servant of the Company, or in such other Manner as the Court shall by any Special Order direct.

Jurisdiction of Court against Joint Stock Companies.

CLXXV. The Court shall in every Case of a Petition for Adjudicature against a Joint Stock Company have and exercise the same Powers, Authority, and Jurisdiction in all respects as in the Case of any Petition for Adjudication against a Trader.

Call to have Effect of Decree in Chancery.

CLXXVI. Any Call made by the Court under this Act upon a Member or Contributory of a Joint Stock Company shall have the like Effect upon the Persons and Property of such Member or Contributory, and be enforced in the same Manner as an Order or Decree of the Court of Chancery.

Act not to apply to Companies registered under 19 & 20 Vict. c. 47.

CLXXVII. The Provisions of this Act which relate to the Bankruptcy of Joint Stock Companies shall not apply to any Company registered under the Joint Stock Companies Act, 1856, or any Act amending the same.

Procedure in Insolvency.

Persons imprisoned for Debt

CLXXVIII. From and after the Time appointed for the Commencement of this Act, it shall be lawful for any Debtor who shall be a Prisoner within the Meaning of this Act to apply by Petition to the

the Court for his Discharge from such Custody; and in such Petition shall be stated whether such Prisoner has been previously bankrupt or insolvent, the Time and Place of the First Arrest of such Prisoner, the Cause or Causes wherein he shall then be detained, and the Time of his Commitment to the Prison where he shall then be confined, and also the Name or Names of the Person or Persons at whose Suit such Prisoner shall at the Time of presenting such Petition be detained in Custody, and the Amount of the Debt or Debts, Sum or Sums of Money, and of such Costs as aforesaid, so far as the Amount of such Costs is ascertained, for which he shall be so detained, and such other Matters as the Court may by any General Order direct; and such Prisoner shall in such Petition state that he is willing that all his Real and Personal Estate and Effects shall be vested in the Official Assignees, and shall pray to be discharged from Custody, and to have future Liberty of his Person against the Demands of his Creditors; which Petition shall be subscribed by the said Prisoner, and shall forthwith be filed in the Court.

may apply to the Court for Discharge.

What shall be stated in the Petition.

Petition to be signed and filed.

CLXXIX. Every such Prisoner shall, within Seven Days from the Time of filing such Petition, unless the Court shall extend such Period, deliver unto the Court a Schedule, containing a full and fair Description of such Prisoner, as to his Name, Trade, and Profession, together with his last usual Place of Abode, and the Place or Places where he has resided during the Time when his Debts were contracted, and also a full and true Description of all Debts due or growing due from such Prisoner at the Time of filing such Petition, and of all and every Person and Persons to whom such Prisoner shall be indebted, or who, to his Knowledge or Belief, shall claim to be his Creditors, together with the Nature and Amount of such Debts and Claims respectively, distinguishing such as shall be admitted from such as shall be disputed, and also a full, true, and perfect Account of all the Estate and Effects of such Prisoner, Real and Personal, in possession, reversion, remainder, or expectancy, and also of all Places of Profit or Advantage held by such Prisoner, and also of all Pensions or Allowances of the said Prisoner, in possession or reversion, or held by any other Person or Persons for or on behalf of the said Prisoner, or of and from which the said Prisoner derives or may derive any Manner of Benefit or Advantage, and also of all Rights and Powers of any Nature and Kind whatsoever which such Prisoner, or any other Person or Persons in trust for such Prisoner, or for his Use, Benefit, or Advantage in any Manner whatsoever, shall be possessed of or interested in or entitled unto, or which such Prisoner, or any other Person or Persons in trust for him or for his Benefit, may dispose of, charge, or exercise for the Benefit or Advantage of such Prisoner, together with a full, true, and perfect

Schedule to be filed.

Contents of Schedule.

Procedure in Insolvency.

perfect Account of all the Debts then due or growing due to such Prisoner, or to any Person or Persons in trust for him or for his Benefit or Advantage, either solely, or jointly with any Person or Persons, and the Names and Places of Abode of the several Persons from whom such Debts shall be due or growing due, and of the Witnesses who can prove such Debts; and also a full and true Description and Valuation of the Wearing Apparel, and other Necessaries, not exceeding in Value in the whole Twenty Pounds, which such Prisoner is authorized to except, and such other Particulars as the Court may by any General or Special Order direct.

General and Special Balance Sheets to be filed.

CLXXX. Such Prisoner shall with his Schedule file a General Balance Sheet of his Receipts and Expenditure from the Date of the earliest Debt in his Schedule up to the Time of filing his Schedule; such Prisoner shall also deliver to the Court a Special Balance Sheet of so much of the Receipts and Expenditures of such Prisoner as shall be at any Time required by the said Court.

Form of Petition, Schedule, and Balance Sheets.

CLXXXI. The said Petition, Schedule, and Balance Sheets may be in the Forms in Schedule (P.) to this Act annexed, or to the like Effect, or in such other Form as the Court may direct, and shall be respectively verified on Oath.

Court may commit Insolvent in neglecting to file his Schedule.

CLXXXII. If any Insolvent shall neglect to file his Schedule within the Time limited by this Act, the Court may commit him to any Prison until he shall file such Schedule.

Detaining Creditors of Prisoners may apply by Petition to the Court to vest Debtors Estates in the Official Assignee.

CLXXXIII. If any Prisoner within the Meaning of this Act shall not, within Twenty-one Days next after he shall be committed to or detained in Custody, make Satisfaction to the Person or Persons at whose Suit such Prisoner shall have been so committed or detained for the Debt, Damages, Costs, Sum or Sums of Money, for which such Prisoner shall be so committed or detained, it shall be lawful for any such Person or Persons to apply by Petition in a summary Way to the Court, praying that all the Real and Personal Estate and Effects of such Prisoner may be vested in the Official Assignees according to the Provisions of this Act.

Form of Creditor's Petition.

CLXXXIV. Such Petition shall be signed by the Party or Parties so applying or by his Attorney; and in such Petition shall be stated the Time and Place of the Commitment or Charge in Execution of such Prisoner at the Suit of the Party or Parties so applying, and the Amount of the Debt or Sum of Money for which such Prisoner shall have been so committed or detained; and such Petition shall be supported by such Evidence, by Affidavit or otherwise, of

of the Truth of the Matters therein stated, as the Court shall require; and the said Court shall and may require such Prisoner to file his Schedule, and shall and may cause such Prisoner to be brought up to be dealt with according to this Act, and all Things to be done thereupon or preparatory thereto as in other Cases according to this Act; and such Creditor's Petition may be in the Form in Schedule (Q.) to this Act annexed, or to the like Effect. *Procedure in Insolvency.*

CLXXXV. Any Petition of Insolvency may be dismissed by the Court on such Terms as to Costs, or otherwise, as the Court may think fit. Dismissal of Petition.

CLXXXVI. At any Time after a Petition of Insolvency and Schedule have been filed it shall be lawful for the Court, if the Court shall think fit to do so, and on such Notice to the Creditors of such Insolvent as the Court shall deem proper, to direct such Insolvent to be discharged out of Custody, on his finding Two sufficient Sureties to enter into a Recognizance to the Official Assignee of the Court in such Sum as the Court shall think fit, with a Condition that such Insolvent shall duly appear at the Time and Place fixed or which shall thereafter be fixed for the Hearing of the Petition of such Insolvent, and on every adjourned Hearing, and shall abide by the final Judgment of the Court, and on such other Terms (if any) as the Court shall think fit to impose, and to issue a Warrant directed to the Gaoler or Person in whose Custody such Insolvent shall be ordering the Discharge of such Insolvent. Power to the Court to direct Prisoner to be discharged on his finding Sureties to attend at the Time and Place of Hearing.

CLXXXVII. After such Discharge the Insolvent shall be free from Arrest or Imprisonment by any Creditor whose Debt shall be specified in the Schedule filed by such Insolvent as herein-before mentioned, until the Time appointed for the Hearing of such Insolvent, and for such further Time (if any) as the Court shall from Time to Time appoint. After such Discharge Insolvent to be free from Arrest until Hearing.

CLXXXVIII. No such Insolvent shall be so discharged until it shall appear to the Court that all the Chattel Property of such Insolvent has been delivered up to the Assignee, with all Books, Deeds, and Papers in his Possession, Power, or Procurement relating to his Estate or Effects. Insolvent not to be discharged until he delivers up all Property.

CLXXXIX. In case any Insolvent so discharged out of Custody shall not duly appear at the Time and Place fixed for the Hearing or any adjourned Hearing (not being prevented by Illness or other lawful Impediment to be allowed of by the Court), the Recognizance so entered into shall be forfeited, and the Court may make an Order In case Insolvent shall not duly appear, Recognizance to be forfeited, &c.

Procedure in Insolvency.

on such Sureties to pay to the Official Assignees the Amount of such Recognizance, and Execution may thereon issue forthwith, and the Amount so recovered shall be applied for the Benefit of the Creditors of such Insolvent, in like Manner as if the same were Part of his Estate and Effects; and the Court may also issue a Warrant authorizing any Person or Persons, to be therein named, to apprehend and arrest such Insolvent, and deliver him into the Custody of the Gaoler or Person in whose Custody such Prisoner was at the Time when he was so discharged as aforesaid; and such Gaoler or Person is hereby required to receive such Prisoner again into his Custody, and all Detainers which were in force against him at the Time of such Discharge, or which shall have since been duly lodged against him, shall thereupon be deemed to be in force: Provided also, that any Insolvent so discharged out of Custody as aforesaid shall, on his appearing before the Court, be deemed and considered, for all the Purposes of this Act, in the Custody in which he was at the Time he was so discharged.

Court may empower Persons in the Assize Towns to receive Recognizances.

CXC. The Court may from Time to Time empower so many fit and proper Persons as shall appear necessary in every Assize Town to take and receive such Recognizances of Sureties and in such Form as the Court may direct and require; and for the taking of every such Recognizance the Persons so empowered shall be entitled to demand and receive the Sum of Two Shillings and Sixpence.

Persons residing out of Dublin may enter into Recognizances.

CXCI. It shall be lawful for any Person whose usual Place of Residence shall be elsewhere than in the County of *Dublin* or the County of the City of *Dublin* to appear before a Person duly empowered in manner aforesaid, and there to enter into such Recognizance for the due Appearance of such Insolvent according to such Forms, and in such Terms and Manner, as shall or may be prescribed by any General Order of the Court, which said Recognizances so taken as aforesaid shall be transmitted and filed in the Court, with an Affidavit of the due taking of the said Recognizances by some credible Person present at the taking thereof, and shall be of the like Force and Effect as if the same were taken before the Court.

Court to regulate the Amount of such Recognizances.

CXCII. The Court shall make such General Orders regulating the Amount and the taking of such Recognizances as to the Court shall seem meet.

Warrant to discharge Insolvent on Completion of Recognizance.

CXCIII. As soon as such Sureties shall have justified, and such Recognizance as herein-before mentioned shall have been filed, the Court shall thereupon issue a Warrant for the Discharge of such Insolvent from Custody as herein-before provided.

CXCIV. Although

Procedure in Insolvency.

Notwithstanding Bankruptcy, the Court shall proceed as in other Cases.

CXCIV. Although such Prisoner be declared bankrupt or be an uncertificated Bankrupt at the Time of filing the Petition of Inso vency, the Court shall and may cause such Prisoner to be brought up to be dealt with as an Insolvent according to this Act, and all Things to be done thereupon or preparatory thereto as in other Cases according to this Act.

Prisoner not to be discharged for Want of Plaintiff proceeding in his Action.

CXCV. No Prisoner shall after the filing of a Petition of Insolvency be discharged out of Custody as to any Suit for any Debt, Sum of Money, Damages, or Claim with respect to which an Adjudication can under the Provisions of this Act be made, by or by virtue of any Supersedeas, Judgment of Nonpros., or Judgment as in the Case of a Nonsuit, for Want of the Plaintiff or Plaintiffs in such Action, Suit, Nonsuit, or Process proceeding therein.

Court to appoint Time for Prisoner to be brought up.

CXCVI. The Court shall, forthwith after such Schedule shall have been filed, appoint a Time, not later than Four Months, for such Prisoner to be brought up to be dealt with according to the Provisions of this Act; and where such Prisoner shall be in any Gaol within the County of *Dublin* or the County of the City of *Dublin*, the Court shall order such Prisoner to be brought before the Court.

Jurisdiction of the Court over Insolvent Debtors in Custody elsewhere than in County or City of Dublin transferred to the Assistant Barristers.

CXCVII. If any Prisoner in Custody in any Gaol in *Ireland* situated elsewhere than within the County of *Dublin* or the County of the City of *Dublin*, or any Creditor of such Prisoner, shall petition the Court under this Act, or if any such Prisoner or Creditor shall have so petitioned prior to the passing of this Act, and such Petition shall not have been heard, or if the same shall have been heard, and the Consideration thereof shall have been adjourned, the Court may make an Order referring such Petition or Hearing to the Assistant Barrister within whose Jurisdiction such Prisoner was in Custody at the Time of the filing of the Petition, and shall transmit such Petition and Schedule to the Clerk of the Peace for Hearing accordingly, and shall appoint a Time and Place at any Court of Quarter Sessions held within the Jurisdiction of such Assistant Barrister for such Prisoner to be brought up before such Assistant Barrister.

Assistant Barrister to whom the Petition as to Insolvents is referred to have the same Powers as the Court for discharging or remanding the Insolvent, &c.

CXCVIII. Any Assistant Barrister to whom any such Petition shall be so referred shall have and possess the same Power and Authority with respect to every such Petition, and shall make all such Orders, give all such Directions, and do all such Matters and Things requisite for the discharging or remanding of such Prisoner, and otherwise respecting such Prisoner, his Schedule, Creditors, and Assignees, as the Court might make, give, or do in the Matters of Petitions

Procedure in Insolvency.

Petitions heard before such Court under this Act, and, if he shall deem fit, shall be at liberty to adjourn the Hearing from One Session to another, and to extend the Order for the Protection of the said Insolvent from Arrest during such Adjournment.

Petition, &c. to be returned by the Clerk of the Peace to the Court.

CXCIX. Every such Petition and Schedule, and all Judgments, Rules, Orders, Directions, and Proceedings thereon by such Assistant Barrister, 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 Assistant Barrister 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.

Order for bringing the Insolvent before the Assistant Barrister.

CC. The Court shall have Power to issue its Warrant or Order, directed to the Governor, Keeper, or Gaoler of any Gaol wherein the Insolvent shall be in Custody, directing him to bring the Insolvent before such Assistant Barrister on the Day appointed for the Hearing of such Petition, or at any Adjournment thereof; and every such Governor, Keeper, or Gaoler shall obey such Warrant.

The Expense of his Removal to be paid out of the Estate of Insolvent, or (on Failure of such Estate) then by Grand Jury Presentment.

CCI. The Expense of conveying such Prisoner to any such Quarter Sessions Town, where the Gaol in which such Prisoner shall be confined shall not be situate in such Quarter Sessions Town, or of conveying such Prisoner (when necessary) from such Quarter Sessions Town to the said Gaol, not exceeding Threepence *per* Mile shall be paid to the Keeper, Gaoler, or other Officer who shall bring such Prisoner to or from any such Quarter Sessions Town, in obedience to any Rule or Order of the Court, out of the Estate and Effects of such Prisoner, if the same shall be sufficient to pay such Expense, and if not, then such Expense 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 or ordered by such Assistant Barrister before whom such Prisoner shall be brought, and the Grand Jury of such County, County of a City, or County of a 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.

Court to have Jurisdiction before and pending an Adjournment.

CCII. Nothing herein contained shall extend or be construed to deprive the Court of the Power of discharging such Prisoner upon Recognizance of Sureties for the due Appearance of such Prisoner at the Time and Place appointed, or which shall thereafter

Procedure in Insolvency.

thereafter be appointed, for the Hearing of such Prisoner before such Assistant Barrister as aforesaid, or of the Power of doing, prior to such Hearing before such Assistant Barrister, or pending the Adjournment of such Hearing, any Matter or Thing relative to such Prisoner, his Petition and Schedule, Estate and Effects, Creditors or Assignees.

Jurisdiction of Assistant Barrister to cease after Discharge or Remand.

CCIII. After the Discharge or Remand of such Prisoner by such Assistant Barrister as aforesaid the Jurisdiction of such Assistant Barrister shall cease, save as to any Re-hearing of such Petition pursuant to any Order that may be made by the Court; and all Things necessary to be thereafter done in the Matter of the Petition and Schedule of such Prisoner, his Estate and Effects, Creditors or Assignees, shall be done by the Court.

Clerk of Peace to transmit Returns of Quarter Session Days.

CCIV. Every Clerk of the Peace shall transmit to the Office 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 Assistant Barrister of each County.

Order of detaining Creditor for Discharge of Insolvent to be void at Option of Insolvent.

CCV. After the filing of the Petition of Insolvency, and previous to the final Adjudication, any Order of Discharge given by a detaining Creditor of any Insolvent shall be void, if such Insolvent shall, on the same being notified to him, forthwith signify to the Gaoler in that Behalf his Desire that such Order of Discharge shall be so void.

Notice to be given to Creditors, and advertised.

CCVI. The Court shall cause Notice of the filing of every such Petition and Schedule, and of the Time and Place appointed for such Prisoner to be brought up, to be given, by such Means as the said Court shall direct, to the Creditor or Creditors at whose Suit any such Prisoner shall be detained in Custody, and to the other Creditors named in the Schedule of such Prisoner, and resident within the United Kingdom, and whose Debt shall amount to the Sum of Five Pounds, and shall cause such Notice to be inserted in the "*Dublin Gazette*," and also, if the Court shall think fit, in the *Edinburgh* and *London* Gazettes, or either of them, and also in such other Newspaper or Newspapers as the Court shall direct.

At the Hearing, the Schedule to be examined.

CCVII. Upon such Prisoner being brought up as aforesaid, the Court shall examine into his Schedule, upon the Oath of such Prisoner and of such Parties and other Witnesses as the Court shall think fit; and in case such Notice as the Court shall direct shall have been given by any Creditor of his Intention to oppose such Prisoner's Discharge, it shall be lawful both for the said Creditor and any other

Procedure in Insolvency.

of the Creditors of such Prisoner to oppose such Prisoner's Discharge, and for that Purpose to examine such Prisoner and such Witnesses as the Court shall think fit touching the Matters contained in such Schedule, and such other Matters as the said Court shall deem fit and proper to inquire into.

Hearing may be adjourned.

CCVIII. If the Court shall entertain any Doubt touching any Matter alleged against such Prisoner at such Hearing to prevent his or her Discharge, or otherwise touching the Schedule or the Examination of such Prisoner, or in case such Prisoner shall refuse to be sworn, or shall not answer upon Oath to the Satisfaction of the Court, it shall be lawful for the Court to adjourn the Hearing and Examination of such Prisoner to some future Sitting of the Court, or to adjourn the same *sine die*.

Court may order Prisoner to be again brought up.

CCIX. When any such Hearing shall have been adjourned *sine die* the Court may, upon the Application of such Prisoner or any Creditor, to be made within such Time as the Court shall direct, order the said Prisoner to be again brought up for Hearing, and such Notice thereof shall be given as the Court shall direct.

Affidavits may be received in opposition to Prisoner's Discharge in certain Cases.

CCX. The Court may receive as Evidence on the Hearing Affidavits of any Persons not resident within the County of *Dublin* or County of the City of *Dublin*, and also permit Interrogatories to be filed for the Examination or Cross-examination of any Person making or joining in such Affidavits, and to adjourn the Hearing until such Interrogatories shall be fully answered; and where any Prisoner shall be brought before any Assistant Barrister pursuant to this Act, it shall be lawful for such Assistant Barrister to receive as Evidence on the Hearing the Affidavits of any Persons not resident within the County where such Prisoner shall be brought up, and also to permit Interrogatories to be filed for the Examination or Cross-examination of any Person making or joining in such Affidavits, and to adjourn the Hearing of such Prisoner until such Interrogatories shall be fully answered.

Official Assignees to examine Schedule, Balance Sheets, and Accounts.

CCXI. The Official Assignees shall when directed by the Court investigate the Accounts of every Insolvent, and examine into the Truth of his Schedule and Balance Sheets, and report thereon to the Court.

Court may adjudge Prisoner to be discharged, and entitled to the Benefit of Act.

CCXII. It shall be lawful for the Court, at such Hearing or adjourned Hearing, to adjudge and order that such Prisoner shall be discharged from Custody, and entitled to the Benefit of this Act (at such Time as to the Court, in pursuance of the Provisions herein-after contained in that Behalf, shall think fit,) as to the several

Procedure in Insolvency.

several Debts and Sums of Money due or claimed to be due at the Time of filing the Petition from such Prisoner to the several Persons named in his Schedule as Creditors, or claiming to be Creditors for the same respectively, or for which such Persons shall have given Credit to such Prisoner before the Time of filing the Petition, and which were not then payable, and as to the future Claims of any Surety or Bail for such Prisoner named in his or her Schedule as a contingent Creditor, and as to the Claims of all other Persons, not known to such Prisoner at the Time of such Adjudication, who may be Indorsees or Holders of any negotiable Security set forth in his Schedule.

Court may adjudge Discharge, &c. to be forthwith, or not later than Six Months from the filing of the Petition.

CCXIII. Where no Cause shall appear to the contrary, it shall be lawful for the Court to adjudge that such Prisoner shall be so discharged and so entitled as aforesaid forthwith, or so soon as such Prisoner shall have been in Custody at the Suit of One or more of his Creditors for such Period or Periods, not exceeding Six Months in the whole, as the Court shall direct.

Court may grant a special Discharge to Trader, so as to release his future Effects.

CCXIV. When the Court shall adjudge any Insolvent, a Trader within the Meaning of this Act, to be discharged, if it shall appear to the Satisfaction of the Court that such Insolvent hath not been guilty of any Fraud on any of his Creditors, or committed any Offence against this Act, or contracted any of his Debts by means of any false Representation, Deceit, or Contrivance, and if the Court shall be satisfied with the Conduct of such Prisoner, and that he hath made a full and true Disclosure of his Estate and Effects, it shall be lawful for the Court (if it shall so think fit) to declare by its Order that such Discharge shall also absolutely free the future acquired Property and Effects of such Insolvent, and such Discharge shall take effect accordingly, and be in such special Form as the Court shall direct, and be termed "an absolute Discharge."

Discharge shall extend to Process for Contempt in Nonpayment of Money;

and to Costs incurred by Creditor.

CCXV. The Discharge of any Prisoner shall extend to all Process for any Contempt of any Court, for Nonpayment of Money or of Costs or Expenses, and also to all Costs which such Prisoner would be liable to pay in consequence or by reason of such Contempt or on purging the same; and every such Discharge as to any Debt or Damages shall extend also to all Costs incurred by the Creditor before the filing of such Prisoner's Schedule in any Suit brought by such Creditor against such Prisoner for the Recovery of the same; and as to such Costs the Creditor shall be entitled to the Benefit of all the Provisions made for Creditors by this Act.

CCXVI. The

Procedure in Insolvency.

Discharge shall extend to Sums payable by way of Annuity, &c.

CCXVI. The Discharge of any such Prisoner shall extend to any Sum or Sums of Money payable by way of Annuity or otherwise, at any future Time or Times, by virtue of any Bond, Covenant, or other Security.

Not to prevent Mortgages and other Charges on Lands, made prior to filing Petition, from taking effect.

CCXVII. Nothing in this Act contained shall prevent any Mortgage, Charge, or Lien upon any Estate of such Prisoner, or any Part thereof, made prior to the Commencement of the Imprisonment of such Prisoner, from taking place upon the Lands, Tenements, or Hereditaments, or Personal Estate and Effects comprised in or charged or affected by such Mortgage, Charge, or Lien respectively.

Court may order Costs to be paid to opposing Creditors out of the Estate.

Where Opposition frivolous, Costs may be awarded to Prisoner.

CCXVIII. Whenever any Creditor opposing any such Prisoner's Discharge shall prove to the Satisfaction of the Court that such Prisoner has done any Act for which he may be liable to Remand, the Court may adjudge the taxed Costs of such Opposition to be paid to such opposing Creditor out of the Estate and Effects of such Prisoner, before any Dividend; and in case it shall appear to the said Court that the Opposition of any Creditor to any such Prisoner's Discharge was frivolous and vexatious, it shall be lawful for the Court to award such Costs to such Prisoner as shall appear to be just and reasonable, to be paid by the Creditor making such Opposition.

Court to make Order, pursuant to Adjudication, and issue Warrants to Gaoler.

Specification of Debts, &c. not necessary in Adjudication.

CCXIX. Where any such Adjudication shall have been made, the Court shall also issue a Warrant to the Gaoler accordingly, ordering the Discharge of such Prisoner from Custody as to the Detainers under which he shall then be confined, or which shall be lodged against him before he shall be out of Custody, the same being for Debts in respect of which such Adjudication shall have been made; and that every such Adjudication shall take effect as from the Day on which it was made; and that every such Adjudication, and Certificate thereof, and Order thereupon, may be made without specifying therein any such Debt or Debts, or Sum or Sums of Money, or Claims as aforesaid, or naming therein any such Creditor or Creditors: Provided nevertheless, that in all Cases the Detainer or Detainers with respect to which any such Prisoner shall have been adjudged to be discharged out of Custody shall be specified in the Warrant of the Court.

In certain Cases Discharge of Insolvent to be at any Period not later than Two Years.

CCXX. In case it shall appear to the Court that any Insolvent has fraudulently, with Intent to conceal the State of his Affairs or to defeat the Objects of this Act, destroyed or mutilated, or wilfully prevented or purposely withheld the Production of any Books, Papers, or Writings relating to his Affairs, or kept or cause to be kept false Books or made false Entries in or withheld Entries from, or wilfully altered

Procedure in Insolvency.

altered or falsified any such Books, Papers, or Writings, or that any Insolvent has fraudulently, with Intent of diminishing the Sum to be divided among his Creditors, or of giving any undue Preference to any of the said Creditors, discharged or concealed any Debt due to or from any such Insolvent, or parted or made away with, charged, mortgaged, or concealed any Part of his Property, either before or after the Commencement of his or her Imprisonment, then it shall be lawful for the Court to adjudge that the Insolvent shall be discharged, and entitled to the Benefit of this Act, as soon as he shall have been in Custody at the Suit of some One or more of his Creditors for such Period or Periods, not exceeding Two Years from the Time of filing the Petition, as the Court shall direct.

In other Cases, the Discharge of Insolvent to be at any Period not later than Two Years.

CCXXI. In case it shall appear to the Court that any Insolvent shall have contracted any of his Debts fraudulently, or by means of a Breach of Trust, or of false Pretences, or without having had any reasonable or probable Expectation at the Time when contracted of paying the same, or shall have fraudulently or by means of false Pretences obtained the Forbearance of any of his Debts, or shall have put any of his Creditors to any unnecessary Expense by any vexatious or frivolous Defence or Delay to any Suit for recovering any Debt or Sum of Money due from such Prisoner, or shall be indebted for Damages recovered in any Action for Criminal Conversation, or for Seduction, or for Breach of Promise of Marriage, or for a malicious Prosecution, or for a Libel, or for Slander, or in any other Action for a malicious Injury, or in any Action of Tort or Trespass, where it shall appear to the Satisfaction of the Court that the Injury complained of was malicious, then it shall be lawful for the Court to adjudge that the Insolvent shall be discharged forthwith, except as to such Debt or Debts, Sum or Sums of Money, or Damages as above mentioned, and as to such Debt or Debts, Sum or Sums of Money, or Damages, to adjudge that the Insolvent shall be so discharged so soon as he shall have been in Custody at the Suit of the Person or Persons who shall be Creditor or Creditors for the same respectively for a Period or Periods not exceeding Two Years from the Time of filing the Petition.

Adjudication may be conditional in certain Cases.

CCXXII. Where it shall appear to the Court that certain Matters ought to be performed by or on behalf of such Prisoner before he is entitled to be actually discharged from Custody, but that nevertheless it is expedient not to adjourn the Hearing absolutely, it shall be lawful for the Court to pronounce an Adjudication, without issuing any Order and Warrant pursuant thereto, and that such Adjudication may be directed to be conditional on the Performance of such Matters as aforesaid, and that on the Nonperformance thereof the Hearing

Procedure in Insolvency.

of such Case shall stand adjourned according to the Direction made in that Behalf.

Where Adjudication a Discharge at a future Period, the Prisoner may be detained or arrested, &c. till that Period arrives.

CCXXIII. Where the Court shall adjudge that any Prisoner shall be so discharged at some future Period, and shall make an Order of Remand to that Effect, such Prisoner shall be subject and liable to be detained in Prison under and by virtue of such Order, at the Suit of any One or more of his or her Creditors, with respect to whom it shall have been so adjudged and ordered, until such Period shall have arrived; and the Gaoler of the Prison to which such Prisoner shall be so remanded shall and is hereby required to detain and keep such Prisoner in his Custody until such Period shall have arrived, for doing which the Order of Remand shall be his sufficient Warrant: Provided always, that it shall be lawful for any such Creditor, at any Time before such Period shall have arrived, to authorize and empower such Gaoler to discharge such Prisoner from Custody at the Suit of such Creditor, in the same Manner and by the same Means as such Creditor might have done if such Prisoner had been arrested and detained or charged in Custody at the Suit of such Creditor under any Civil Process at his Suit.

Court may order detaining Creditor to pay Prisoner a Sum not exceeding Four Shillings a Week.

CCXXIV. Where any such Prisoner shall, upon any such Adjudication, be liable to further Imprisonment at the Suit of his Creditors or any of them, it shall be lawful at any Time for the Court, on the Application of such Prisoner, to order the Creditor at whose Suit he shall be so imprisoned to pay such Prisoner such Sum or Sums of Money, not exceeding the Rate of Four Shillings by the Week in the whole, in such Manner as the said Court shall direct; and that on Failure of Payment thereof the Court shall order such Prisoner to be forthwith discharged from Custody at the Suit of such Creditor.

If Insolvent becomes able to pay his Debts, Court may make Order on him to pay, &c.

CCXXV. If at any Time it shall appear to the Satisfaction of the Court that any Insolvent who hath not obtained an absolute Discharge is of Ability to pay the Debts from which he has been so discharged, or any Part thereof, it shall be lawful for the Court from Time to Time, on the Application of any Assignee or Creditor, to order that the Insolvent shall pay to the Assignees such Sum or Sums of Money as to the Court shall seem proper, until the whole of said Debts shall be satisfied.

If Insolvent dies having sufficient Assets, Court may make Order to pay.

CCXXVI. If such Insolvent who hath not obtained an absolute Discharge shall have died leaving Assets sufficient to pay the Debts from which he was so discharged, or any Part thereof, it shall be lawful for the Court, on the Application of any Assignee or Creditor, to order that such Sum of Money, not exceeding

Procedure in Insolvency.

exceeding an Amount sufficient to satisfy the said Debts, shall be paid to the Assignees out of the Assets of such Insolvent, and the Sum mentioned in such Order shall thereupon become a Debt due to the Assignees out of the Assets of such Insolvent, and shall be paid to them accordingly; and the Assignees may institute such Proceedings to enforce the same as if they had been Creditors of said Insolvent at the Time of his Decease for the Sum mentioned in such Order.

Manner of proceeding where, after the Discharge of a Prisoner, any Person shall be possessed of Stock in Public Funds, &c. belonging to him.

CCXXVII. In case any Person shall after the Discharge of such Insolvent be possessed of or have under his Control any Stock in the Public Funds, or any Legacy due or growing due, Bills of Exchange, Promissory Notes, Bank Notes, Securities for Money, Goods and Chattels, or any other Property whatsoever, belonging to such Insolvent, or held in trust for him or for his Use and Benefit, or to which such Insolvent shall be in any way entitled, or in case any such Person shall be at such Period in any Manner indebted to such Insolvent, it shall be lawful for the Court, upon the Application of any Assignee or Creditor of such Insolvent, to cause Notice to be given to such Person directing him to hold and retain the said Property till the Court shall make further Order concerning the same; and thereupon it shall be lawful for the Court further to order such Person to deliver over such Property, and to pay such Debts as aforesaid, or any Part thereof, into the Bank of *Ireland*, or to the Assignees, and such Delivery and Payment shall be made accordingly in obedience to such Order; and such Person shall be thereby discharged in respect of such Property and Debts against all Persons whatsoever to all Intents and Purposes.

Sums recovered under last Three Sections to form Part of Estate.

CCXXVIII. Any Sum or Sums of Money or Property to be recovered by the Assignees under the last Three preceding Sections shall form Part of the Estate and Effects of the Insolvent in the Hands of the Assignees, and shall be distributed amongst the Creditors accordingly.

Persons discharged under this Act not liable to Imprisonment for Debts, &c. to which Adjudication extends.

If arrested, to be released by Judge of the Court from which Process issued, who may order the Costs to be paid to him.

CCXXIX. No Insolvent shall be imprisoned for any Debt or Sum of Money or Costs with respect to which such Insolvent shall have been discharged, or by reason of any Judgment, Decree, or Order for Payment of the same, but that upon every Arrest or Detainer for or by reason of any such Debt or Sum of Money or Costs, or Judgment, Decree, or Order for Payment of the same, it shall be lawful for any Judge of the Court from which any Writ or Process shall have issued in respect thereof, upon Proof made to his Satisfaction that the Cause of such Arrest or Detainer is such as herein-before mentioned, to release such Prisoner from Custody; and at the same Time, if such Judge shall in his Discretion think fit, it shall be lawful for him to order

Procedure in Insolvency.

order such Plaintiff, or any Person or Persons suing out of such Writ or Process, to pay such Insolvent the Costs which he shall have incurred on such Occasion, or so much thereof as to such Judge shall seem just and reasonable.

After Discharge, no Execution to issue against Insolvent for Debts, &c. to which Adjudication extends.

Discharge under this Act may be pleaded generally.

CCXXX. No Writ of Capias ad satisfaciendum, Fieri facias, or other Writ of Execution against the Body, Goods, or Chattels of such Insolvent, shall issue on any Judgment obtained against such Insolvent for any Debt or Sum of Money with respect to which such Insolvent shall have been discharged, nor in any Action upon any new Contract or Security for Payment thereof; and if any Suit shall be brought against any such Insolvent, his Heirs, Executors, or Administrators, for any such Debt or Sum of Money, or upon any new Contract or Security for Payment thereof, or upon any Judgment obtained against or any Statute or Recognizance acknowledged by such Insolvent for the same, it shall be lawful for such Insolvent, his Heirs, Executors, or Administrators, to plead generally that such Insolvent was duly discharged according to this Act by the Order of Adjudication made in that Behalf, and that such Order remains in force, without pleading any other Matter specially; whereto the Plaintiff or Plaintiffs shall or may reply generally, and deny the Matters pleaded as aforesaid, or reply any other Matter or Thing which may show the Defendant not to be entitled to the Benefit of this Act, or that such Person was not duly discharged, in the same Manner as the Plaintiff or Plaintiffs might have replied in case the Defendant or Defendants had pleaded this Act, and a Discharge by virtue thereof, specially.

When Debts are satisfied, Court may order Property in Possession of Assignees to be vested in the Insolvent.

CCXXXI. Whenever it shall appear to the Satisfaction of the Court that all the Debts in respect of which such Adjudication was made have been discharged, and that there remains in the Possession or vested in or otherwise subject to the Control of the Assignees any Part of the Estate or Effects of such Insolvent, it shall be lawful for the Court to order that the same shall be vested in the said Insolvent, his Heirs, Executors, Administrators, or Assigns, and such Order shall have the Effect of vesting the same accordingly.

Where Error in Schedule, without Fraud, this Act to operate upon the actual Amount of Debt.

CCXXXII. And whereas it may sometimes happen that a Debt of or Claim upon or Balance due from such Insolvent as aforesaid may be specified in his Schedule at an Amount which is not the actual Amount thereof, or the Name or Description of a Creditor may be inaccurately set forth therein, or there may be some Omission, Misdescription, or Mistake therein, without any culpable Negligence or Fraud or evil Intention on the Part of such Insolvent: Be it enacted, That in such Case the said Insolvent shall be entitled to all and every Benefit

Procedure in Insolvency.

Benefit and Protection of this Act, notwithstanding such Mistake, Omission, or Misdescription in said Schedule; and the Creditor in that Behalf shall be entitled to the Benefit of all the Provisions made for Creditors by this Act in respect of the actual Amount of such Debt, Claim, or Balance, and to all Intents and Purposes, such Omission, Misdescription, or Error in the said Schedule notwithstanding.

Adjudication and Order to be final, unless obtained on false Evidence, &c., in which Case Court may order a Re-hearing.

CCXXXIII. Every such Adjudication shall be final and conclusive, and shall not be reviewed by the Court, unless the Court shall thereafter see sufficient Cause to believe that such Adjudication has been obtained on false Evidence, or otherwise improperly or fraudulently obtained, in which Case it shall be lawful for the Court, upon the Application of the Assignees, or of any Creditor of such Insolvent, or of the Insolvent, to order such Insolvent, upon due Notice to be given to such Persons and in such Manner as the Court shall direct, to attend or to be brought up, and the said Matter to be reheard before the Court, and the Court shall thereupon rehear the same, and may, if just Cause shall appear, annul the original Adjudication and Order thereupon, and shall have the same Powers and Authorities upon such Re-hearing as upon any original Hearing; and the Court may, if necessary, remand the said Insolvent to the same Custody in which he was at the Time of the former Hearing, there to be subject to Imprisonment as if the former Adjudication had not been made; and thereupon all Detainers which were in force against such Prisoner at the Time of his former Discharge from Custody shall be deemed to be still in force against him; and the Gaoler of the Prison to which such Prisoner shall be so remanded shall and is hereby required to receive such Prisoner into his Custody in pursuance of such Remand, for doing which the Order of Remand in such Case shall be his sufficient Warrant.

Insolvent refusing to appear may be apprehended, &c.

CCXXXIV. If such Prisoner shall refuse or neglect to appear before the Court according to any Order for Re-hearing, it shall be lawful for the Court to order such Prisoner to be apprehended, and committed to Custody in such Prison as the Court shall direct, and to issue its Warrant accordingly, and to cause such Prisoner to be brought up for Examination as often as to the Court shall seem fit.

In Adjudication of Discharge or Re-hearing, the Time since former Hearing not to be calculated.

CCXXXV. If on any Re-hearing it shall appear to the Court that such Prisoner is not entitled to the Benefit of this Act until some future Period, according to the Provisions herein-before contained, the Court shall and may, if it shall appear reasonable, adjudge the Discharge of such Prisoner at such future Period, to be calculated without including the Time during which such Prisoner shall have been out of Custody

Procedure in Insolvency.

since the Time appointed for his Discharge by such former Adjudication as aforesaid.

If Order for Discharge issued by Mistake, the Court may revoke or amend same.

CCXXXVI. If in any Case an Order or Warrant for the Discharge of any such Prisoner shall have issued erroneously, it shall be lawful for the Court, on such Error being shown, to revoke such Order and Warrant, and to annul, suspend, or amend the same, and, if necessary, to recommit such Prisoner to his former Custody, when by such Order or Warrant he shall have been discharged therefrom; and the Gaoler of the Prison to whose Custody such Prisoner shall be so recommitted is hereby required to receive such Prisoner into his Custody according to such Commitment; and all Detainers which were in force against such Prisoner at the Time of such Discharge as aforesaid shall be deemed to be still in force against him, as if such erroneous Order or Warrant had not issued.

Insolvent may be examined as to his Estate after his Discharge.

Insolvent refusing to appear or to answer Questions may be committed.

CCXXXVII. The Court may at any Time before or after the Discharge, order that such Insolvent may be examined as to any Matters or Things relating to his Estate; and in case such Insolvent shall neglect or refuse to appear before the Court at such Time and Place as shall be directed by such Order, or appearing shall refuse to be sworn or to answer such Questions as shall be put to him relating to the Discovery of his said Estate, then and in any of such Cases it shall be lawful for the Court to commit such Person to such Prison as the Court shall direct, there to remain without Bail or Mainprise until such Time as he shall submit himself to the Order of the Court in that Behalf, and shall answer, upon Oath or otherwise, as shall be required to all such lawful Questions as shall be put to him for the Purposes aforesaid.

Provisions of Act extended to married Women.

CCXXXVIII. The Provisions of this Act shall extend to married Women being Prisoners within the Meaning of this Act, but the vesting of the Estate and Effects of any such married Woman in the Official Assignees shall operate upon all Property, Real and Personal, to which she may be entitled for her separate Use, or over which she shall have any Power of Disposition, notwithstanding her Coverture, or which shall be vested in any Trustees or Trustee or other Person or Persons for her Benefit, and upon all Personal Estate and Effects of which she shall have the actual Possession, except her Wearing Apparel, Bedding, and other such Necessaries, not exceeding in the whole the Value of Twenty Pounds, and upon all other Real and Personal Estate and Effects to which she shall be entitled in any Manner whatsoever in possession, remainder,

Procedure in Insolvency.

remainder, or reversion, subject only to such Right, Title, or Interest as her Husband may have therein, and without prejudicing any Rights of her Husband in such Real and Personal Estate and Effects respectively, and all Provisions in this Act contained touching the Real and Personal Estate of any Prisoner shall apply to such Real or Personal Estate and Effects respectively as if such Woman had been sole and unmarried, subject only to the Rights of her Husband therein.

Mode of proceeding with Prisoners of unsound Mind.

CCXXXIX. If any Prisoner within the Meaning of this Act shall be or become of unsound Mind, the Gaoler of such Prison shall forthwith require One or more Justice or Justices of the Peace for the County, Division, or Place wherein such Prisoner shall be to attend at the said Prison, and inquire into the State of Mind of such Prisoner; and thereupon, and also in case any such Justice or Justices shall receive Information by other Means that any such Prisoner is of unsound Mind as aforesaid, such Justice or Justices shall go to the said Prison, and by his or their own View, and by Examination on Oath of such Person or Persons as he or they shall think fit to examine, shall inquire into the State of Mind of such Prisoner; and if it shall appear to such Justice or Justices upon such Inquiry that such Prisoner is of unsound Mind, and therefore incapable of taking the Benefit of this Act in such Manner as a Person of sound Mind might do, such Justice or Justices shall forthwith make a Record of the Fact, and certify the same to the Court; and thereupon it shall be lawful for the Court to order Notice to be inserted in the "*Dublin Gazette*," and in Two or more public Newspapers usually circulated in the Neighbourhood of such Prison, and in the Neighbourhood of the usual Residence of such Prisoner before he was committed to such Prison, as the Court shall see fit, that Application will be made to the Court for the Discharge of such Prisoner on a Day to be specified in such Order and Notice, being Twenty-one Days at least from the Day of Publication of such One of the said Gazette and Newspapers containing such Notice as shall be last published, which Notice, together with the Service of the like Notice on the Creditor or Creditors at whose Suit such Prisoner shall be detained in Custody, or his or their Attorney or Attornies in such Suit, shall be deemed sufficient to authorize the Court to proceed to the Discharge of such Prisoner, if otherwise entitled to such Discharge, according to the true Intent and Meaning of this Act, and the Court shall proceed accordingly, and shall discharge such Prisoner from Custody, and do all other Acts under this Act, in case it shall appear that such Prisoner might have obtained his or her Discharge under this Act if he or she had been of sound Mind, and thereupon all and every Estate, Right, Title, Interest in Law and Equity,

Application may be made by Persons on behalf of such Prisoners.

Power to Court to discharge such Prisoners.

Procedure in Insolvency.

Equity, Real and Personal, Power, Benefit, and Emolument whatsoever, which, if such Prisoner was of sound Mind, could or ought to be vested in the said Official Assignee pursuant to the Provisions of this Act, shall, by force and virtue of the Order of the Court for the Discharge of such Prisoner, be vested in the Provisional Assignees as fully and effectually, and in the same Manner, and with all and every the same Consequences and Effects, both in Fact and Law, to all Intents and Purposes whatsoever, as if such Prisoner had been of sound Mind.

No Person to receive Gaol Allowance without subscribing Declaration.

CCXL. And whereas great Expense has resulted from Persons in the *Four Courts Marshalsea* receiving the Pauper Allowance there without any Effort to obtain their Discharge: Be it therefore enacted, That no Person in future shall be entitled to receive the Gaol Allowance without making and subscribing to the following Declaration, which the Marshal of the Four Courts or his Deputy is hereby authorized to administer:

'I *A.B.* do solemnly declare, That I, *A.B.*, a Prisoner in the Four Courts Marshalsea, have no Means whatever, directly or indirectly, of supporting myself, and that I have solely and entirely to rely on the Support allowed by Government for Pauper Prisoners confined in the said Four Courts Marshalsea.'

And any Person making the aforesaid 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 the Dublin Gazette.

CCXLI. When such Declaration shall have been subscribed, the Marshal or his Deputy shall forthwith transmit the said Declaration, with a List of the Detainers against such Person who shall have subscribed such Declaration, to the Chief Clerk 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 of the said Person, in such Manner as the Court shall by General or Special Order direct, that 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 said Gazette, file or cause to be filed in the said last-mentioned Court a Petition of Insolvency against the said Person, the Person in respect of whom such Notice shall have been given shall be entitled to his Discharge from Custody.

Proceedings on filing of Petition.

CCXLII. If such Petition shall be filed by any such Creditor, the Court shall thereupon order such Prisoner to file his Schedule, and may cause such Prisoner to be brought up to be dealt with according to this Act, and all Things to be done thereon as in other Cases.

CCXLIII. And

Procedure in Insolvency

Unless detaining Creditors lodge a Petition within Twenty-one Days, Prisoner to be entitled to his Discharge.

CCXLIII. And in case such a Petition shall not be filed by any of the Creditors of the said Person within the said Period of Twenty-one Days, then a Discharge shall be made out by such Officer without any further Order or Inquiry, and such Discharge shall be a proper Authority to the Marshal for discharging such Person from Custody, and the Marshal shall discharge the said Person forthwith; and such Discharge shall protect the said Person from future Arrest in respect only of the Debt, Costs, and Sums of Money for the Nonpayment of which he had been committed to or detained in the said Prison, previous to the Publication of the said Notice: Provided always, that the said Discharge shall not have the Effect of extinguishing the said Debts, or barring the Right to recover the said Costs or Sums of Money, or of protecting the Property of the said Person from Seizure and Sale under legal Process, for the Purpose of liquidating and satisfying the said Debts, Costs, and Sums of Money.

This Act not to extend to discharge Crown Debtors, &c., unless the Treasury give Consent.

CCXLIV. This Act shall not extend to discharge any Prisoner with respect to any Debt due to Her Majesty or Her Successors, or to any Debt or Penalty with which he shall stand charged at the Suit of the Crown, or any Person, for any Offence committed against any Act or Acts relative to any Branch of the Public Revenue, or at the Suit of any Sheriff or other Public Officer, upon any Bail Bond entered into for the Appearance of any Person prosecuted for any such Offence, unless the Commissioners of Her Majesty's Treasury for the Time being shall consent to such Discharge.

Sheriffs, &c. indemnified for obeying Orders of Court.

CCXLV. Every Sheriff, Gaoler, Keeper, or other Officer of any Prison who shall do anything in obedience to any Order of the Court shall be and is hereby indemnified for whatsoever shall be done by them respectively in obedience thereto.

Proof of Debts.

When and how Debts may be proved in Bankruptcy.

CCXLVI. At the Sittings for the Choice of Assignees and for the last Examination, and at every adjourned Sitting held for either of such Purposes, and at every other Sitting held for Proof of Debts, every Creditor of the Bankrupt may prove his Debt by his own Oath, or by the Oath of some other Person, or by Affidavit sworn before any of the Persons authorized to take Affidavits under this Act, or in such other Manner as shall be fixed by any General Order; provided, that it shall be lawful for the Court to examine upon Oath, either by Word of Mouth or by Interrogatories in Writing, every Person claiming to prove a Debt, or to require such further Proof and to examine such other Persons in relation thereto as such Court shall think fit.

Proof of Debts.

Undisputed Debts may be admitted as if proved.

CCXLVII. If at any Sitting of the Court at which Debts may be proved it shall appear to the Court, by the Examination of the Bankrupt, or otherwise, that any Debt is admitted by the Bankrupt either in the whole or in part, and if the Assignees do not nor does any Creditor dispute the same, it shall be lawful for the Court, if it shall think fit, to order that such Debt or the Part thereof not disputed shall be admitted without Oath or Affidavit, and entered as proved, on such Terms, if any, as the Court shall by any General or Special Order direct.

Bonâ fide Creditors in respect of Debts contracted after an Act of Bankruptcy, may prove.

CCXLVIII. Every Person with whom any Bankrupt shall have really and *bonâ fide* contracted any Debt or Demand before the filing of the Petition of Bankruptcy shall, notwithstanding any prior Act of Bankruptcy committed by such Bankrupt, be admitted to prove the same as if no such Act of Bankruptcy had been committed.

Court may order Six Months Wages or Salary to Clerks or Servants.

CCXLIX. When any Bankrupt or Insolvent shall have been indebted to any Servant or Clerk of such Bankrupt or Insolvent in respect of the Wages or Salary of such Servant or Clerk, or to any Labourer or Workman, for Wages or Labour, it shall be lawful for the Court to order so much as shall be so due, not exceeding Six Months Wages or Salary, and not exceeding Thirty Pounds, to be paid to such Servant or Clerk, or so much as shall be so due, not exceeding Five Pounds, to be paid to such Labourer or Workman, out of the Estate of such Bankrupt or Insolvent, and such Servant or Clerk, Labourer or Workman, shall be at liberty to prove, or shall be admitted as a Creditor on the Estate, for any Sum exceeding such Amount.

Apprentices to Bankrupts or Insolvents discharged from their Indentures.

Court may order any Sum to be repaid in respect of Apprentice Fees.

CCL. Where any Person shall have been an Apprentice to a Bankrupt or Insolvent at the Time of the filing of a Petition of Bankruptcy or Insolvency, the filing of such Petition shall be and enure as a complete Discharge of the Indenture whereby such Apprentice was bound; and if any Sum shall have been really and *bonâ fide* paid by or on the Behalf of such Apprentice to the Bankrupt or Insolvent as an Apprentice Fee, it shall be lawful for the Court, upon Proof thereof, to order any Sum to be paid out of the Estate of the said Bankrupt or Insolvent, to or for the Use of such Apprentice, which such Court shall think reasonable, regard being had in estimating such Sum to the Amount of the Sum so paid by or on behalf of such Apprentice, and to the Time during which such Apprentice shall have resided with the Bankrupt or Insolvent, and to the other Circumstances of the Case.

CCLI. Where

Proof of Debts.

Mutual Debts and Credits may be set forth.

CCLI. Where there has been mutual Credit given by the Bankrupt or Insolvent and any other Person, or where there are mutual Debts between the Bankrupt or Insolvent and any other Person, the Court shall state the Account between them, and One Debt or Demand may be set against another, notwithstanding, in case of Bankruptcy, any prior Act of Bankruptcy committed by such Bankrupt before the Credit given to or the Debt contracted by him, and what shall appear due on either Side on the Balance of such Account, and no more, shall be claimed or paid on either Side respectively; and every Debt or Demand hereby made provable against the Estate of the Bankrupt or Insolvent may also be set off, in manner aforesaid, against such Estate; provided that the Person claiming the Benefit of such Set-off had not when such Credit was given Notice of an Act of Bankruptcy by such Bankrupt committed.

Debts not payable at the Time of the Bankruptcy or Insolvency may be proved, deducting Rebate of Interest.

CCLII. Any Person who shall have given Credit to the Bankrupt or Insolvent upon valuable Consideration for any Money or other Matter or Thing whatsoever which shall not have become payable at the Time of the filing of the Petition of Bankruptcy or Insolvency, and whether such Credit shall have been given upon any Bill, Bond, Note, or other negotiable Security or not, shall be entitled to prove or may be admitted as a Creditor in respect of such Debt, Bill, Bond, Note, or other Security, as if the same was payable presently, and receive Dividends equally with the other Creditors, deducting only thereout a Rebate of Interest for what he shall so receive at the Rate of Six Pounds *per Centum per Annum*, to be computed from the Declaration of a Dividend to the Time such Debt would have become payable according to the Terms upon which it was contracted.

Sureties and Persons liable for the Debts of a Bankrupt or Insolvent may prove, after having paid such Debts.

CCLIII. Any Person who at the filing of a Petition of Bankruptcy or Insolvency shall be Surety or liable for any Debt of the Bankrupt or Insolvent, or Bail for the Bankrupt or Insolvent, either to the Sheriff or to the Action, if he shall have paid the Debt, or any Part thereof in discharge of the whole Debt, although he may have paid the same after the filing of the Petition of Bankruptcy or Insolvency, if the Creditor shall have proved his Debt under the Bankruptcy or Insolvency, shall be entitled to stand in the Place of such Creditor as to the Dividends and all other Rights under the Bankruptcy or Insolvency which such Creditor possessed or would be entitled to in respect of such Proof; or, if the Creditor shall not have proved, such Surety, or Person liable, or Bail, shall be entitled to prove his Demand in respect of such Payment as a Debt under the Bankruptcy or Insolvency, not disturbing the former Dividends, and may receive Dividends with the other Creditors, although he may have

Proof of Debts.

have become Surety, liable, or Bail as aforesaid, after an Act of Bankruptcy committed by the Bankrupt; provided that such Person had not, when he became such Surety or Bail or so liable as aforesaid, Notice of any Act of Bankruptcy by such Bankrupt committed.

Obligees in Bottomry or Respondentia Bonds, and Assured in Policy of Insurance, admitted to claim, and, after Loss, to prove.

CCLIV. The Obligee in any Bottomry or Respondentia Bond, and the Assured in any Policy of Insurance made upon good and valuable Consideration, shall be admitted to claim, and, after the Loss or Contingency shall have happened, to prove his Debt or Demand in respect thereof, or be admitted as a Creditor and receive Dividends with the other Creditors, as if the Loss or Contingency had happened before the filing of the Petition of Bankruptcy or Insolvency against such Obligor or Insuror; and the Person effecting any Policy of Insurance upon Ships or Goods with any Person (as a Subscriber or Underwriter) having become or becoming bankrupt or insolvent shall be entitled to prove or be admitted as a Creditor for any Loss to which such Bankrupt or Insolvent shall be liable in respect of such Subscription, although the Person so effecting such Policy was not beneficially interested in such Ships or Goods, in case the Person so interested is not within the United Realm.

Persons affecting Insurance admitted to prove any Loss.

Annuity Creditor admitted to prove.

CCLV. Any Annuity Creditor of any Bankrupt or Insolvent, by whatever Assurance the same be secured, and whether there were or not any Arrears of such Annuity due at the Bankruptcy or Insolvency, shall be entitled to prove or be admitted as a Creditor for the Value of such Annuity, which Value the Court shall ascertain, regard being had to the original Price given for such Annuity, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the filing of the Petition of Bankruptcy or Insolvency.

Sureties for Payment of Annuities granted by Bankrupt or Insolvent, in what Manner to come in.

CCLVI. It shall not be lawful for any Person entitled to any Annuity granted by any Bankrupt or Insolvent to sue any Person who may be collateral Surety for the Payment of such Annuity until such Annuitant shall have proved or have been admitted as a Creditor against such Bankrupt's or Insolvent's Estate for the Value of such Annuity, and for the Arrears thereof; and if such Surety, after such Proof, pay the Amount proved, he shall be thereby discharged from all Claims in respect of such Annuity; and if such Surety shall not (before any Payment of the Annuity subsequent to the Bankruptcy or Insolvency shall have become due) pay the Sum so proved, he may be sued for the accruing Payments of such Annuity, until such Annuitant shall have paid or satisfied the Amount so proved, with Interest

Interest thereon at the Rate of Five Pounds *per Centum per Annum* from the Time of Notice of such Proof, and of the Amount thereof, being given to such Surety, and after such Payment or Satisfaction such Surety shall stand in the Place of such Annuitant in respect of such Proof to the Amount so paid or satisfied by such Surety, and the Certificate of the Bankrupt or the final Discharge of the Insolvent shall be a Discharge to him from all Claims of such Annuitant or of such Surety in respect of such Annuity; provided that such Surety shall be entitled to Credit in Account with such Annuitant for any Dividends received by such Annuitant under the Bankruptcy or Insolvency before such Surety shall have fully paid or satisfied the Amount so proved. *Proof of Debts.*

CCLVII. If any Bankrupt or Insolvent shall, before the filing of a Petition of Bankruptcy or Insolvency, have *bonâ fide* contracted any Debt payable upon a Contingency, which shall not have happened before the filing of such Petition, the Person with whom such Debt has been contracted may, if he think fit, apply to the Court to set a Value upon such Debt, and the Court is hereby required to ascertain the Value, and to admit such Person as a Creditor for the Amount so ascertained, and to receive Dividends thereon; or if such Value shall not be ascertained before the Contingency shall have happened, then such Person may, after such Contingency shall have happened, prove or shall be admitted as a Creditor in respect of such Debt, and receive Dividends with the other Creditors, not disturbing any former Dividends. Contingent Debt to be provable for the Value thereof, to be ascertained by the Court, or if Value not ascertained before the Contingency has happened, then, after Contingency has happened, Amount of Debt may be proved.

CCLVIII. If any Bankrupt or Insolvent shall, before the filing of a Petition of Bankruptcy or Insolvency, have contracted *bonâ fide* a Liability to pay Money upon a Contingency which shall not have happened, and the Demand in respect thereof shall not have been ascertained before the filing of such Petition, in every such Case, if such Liability be not provable under any other Provision of this Act, the Person with whom such Liability has been contracted shall be admitted to claim for such Sum as the Court shall think fit, and after the Contingency shall have happened, and the Demand in respect of such Liability shall have been ascertained, he shall be admitted as a Creditor for such Demand, and receive Dividends with the other Creditors, and so far as practicable, as if the Contingency had happened and the Demand had been ascertained before the filing of such Petition, but not disturbing former Dividends; provided that where any such Claim shall not have, either in whole or in part, been converted into a Proof within Six Months after the filing of such Petition, it may, upon the Application of the Assignees, at any Time after the Liability contingent may be admitted as a claim and after Contingency has happened, and the Demand has been ascertained, Demand may be proved.

Proof of Debts.

Expiration of such Time, and if the Court shall think fit, be expunged either in whole or in part from the Proceedings.

On Bankruptcy or Insolvency of Agent intrusted with Goods, but which have been pledged by him, Owner may prove for Amount paid to redeem, or for Value if the Goods be unredeemed.

CCLIX. In case of the Bankruptcy or Insolvency of any Agent intrusted with the Possession of Goods within the Meaning of an Act passed in the Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to amend the Law relating to Advances* bonâ fide *made to Agents intrusted with Goods*, the Owner of any Goods so intrusted to such Agent, and which shall have been redeemed by such Owner in manner provided by the said Act, shall, in respect of the Sum paid by him on account of such Agent, be held to have paid such Sum for the Use of such Agent before his Bankruptcy or Insolvency, or in case such Goods shall not be so redeemed, the Owner shall be deemed a Creditor of such Agent for the Value of the Goods so pledged at the Time of the Pledge, and shall, if he shall think fit, be entitled in either of such Cases to prove for or set off the Sum so paid, or the Value of such Goods, as the Case may be.

Interest upon Debts when provable, though not reserved or agreed for.

CCLX. Upon all Debts or Sums certain, whereupon Interest is not reserved or agreed for, and which shall be overdue at the filing of the Petition of Bankruptcy or Insolvency, the Creditor shall be entitled to prove or be admitted as a Creditor for Interest, to be calculated at a Rate not exceeding Five Pounds *per Centum per Annum*, up to the filing of such Petition, from the Time when such Debts or Sums certain were payable, if such Debts or Sums be payable by virtue of some written Instrument at a certain Time, or if payable otherwise, then from the Time when Demand of Payment shall have been made in Writing, so as such Demand shall give Notice to the Debtor that Interest will be claimed from the Date of such Demand.

Plaintiff or Defendant obtaining Judgment, &c. entitled to prove for Costs, &c.

CCLXI. If any Party whether Plaintiff or Defendant in any Suit shall have obtained any Judgment, Decree, or Order against any Person who shall thereafter become bankrupt or insolvent, for any Debt or Demand in respect of which such Party shall prove or be admitted a Creditor under the Bankruptcy or Insolvency, such Party shall also be entitled to prove, or be admitted a Creditor, for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the Time of the Bankruptcy or Insolvency.

Proving Debt to be an Election not to proceed by Action.

CCLXII. No Creditor who has instituted any Suit against any Bankrupt or Insolvent in respect of a Demand prior to the Bankruptcy

Proof of Debts.

ruptcy or Insolvency, or which might have been proved or admitted as a Debt under the Bankruptcy or Insolvency, shall prove or be admitted as a Creditor under such Bankruptcy or Insolvency, or have any Claim entered upon the Proceedings, without relinquishing such Suit; and the proving or claiming a Debt under any Bankruptcy or Insolvency by any Creditor shall be deemed an Election by such Creditor to take the Benefit of such Bankruptcy or Insolvency with respect to the Debt so proved or claimed; provided that such Creditor shall not be liable to the Payment to such Bankrupt or Insolvent or his Assignees of the Costs of such Suit so relinquished; and that where any such Creditor shall have instituted any Suit against such Bankrupt or Insolvent, jointly with any other Person, his relinquishing such Suit against the Bankrupt or Insolvent shall not affect such Suit against such other Person; provided also, that any Creditor who shall have so proved or claimed, if the Petition of Bankruptcy or Insolvency be afterwards superseded or dismissed, may proceed in the Suit as if he had not so proved or claimed.

Court may expunge Proof of any Debts which after Investigation do not appear to be due.

CCLXIII. Whenever it shall appear that any Debt proved or admitted is not justly due, either in whole or in part, the Assignees or any Creditor may make Representation thereof to the Court; and it shall be lawful for the Court to summon and examine upon Oath any Person whose Evidence may appear to the Court to be material, either in support of or in opposition to any such Debt; and if the Court shall be of opinion that such Debt is not due, either wholly or in part, the Court shall be at liberty to expunge the same, either wholly or in part, from the Proceedings, and make such Order therein as to Costs as to the Court shall seem fit.

Ascertainment of Debts in Insolvency.

CCLXIV. The Court may by any General Orders regulate the Admission, Proof, and Ascertainment of Debts in Insolvency.

Assignees, their Rights and Duties.

Assignees how and when chosen.

CCLXV. The Court shall, by General Orders to be from Time to Time made pursuant to this Act, regulate and fix the Manner and Time of the Choice and Appointment of Creditors Assignees of the Bankrupt's or Insolvent's Estate and Effects; and all Creditors shall be entitled to vote in such Choice personally, or by some Agent duly authorized in Writing; and the Choice and Appointment shall be made by the major Part in Value of the Creditors; provided that the Court shall have Power to reject any Person so chosen who shall appear to such Court unfit to be an Assignee, or to remove any Assignee, and upon such Rejection or Removal a new Choice and Appointment of another Assignee shall be made in like Manner.

Power to Court to reject or remove Persons who appear to be unfit.

CCLXVI. If

Assignees, their Rights and Duties.

Joint Creditor entitled to prove for the Purpose of voting in the Choice of Assignees.

CCLXVI. If One or more of the Partners of a Firm be a Bankrupt or Insolvent, any Creditor of the Firm shall be entitled to prove his Debt or be admitted as a Creditor for the Purpose of voting in the Choice of Assignees, and of being heard against the Allowance of the Bankrupt's Certificate, or of the Discharge of the Insolvent, or of any such Purposes; but such Creditor shall not receive any Dividend out of the separate Estate of the Bankrupt or Insolvent until all the separate Creditors shall have received the full Amount of their respective Debts.

Personal Estate to vest in Assignees.

CCLXVII. When any Person shall be adjudged a Bankrupt, and upon the filing of any Petition of Insolvency by any Insolvent, and also on the filing of any Petition of Insolvency against any Insolvent by any Creditor, (if the Court shall make Order thereon that the Insolvent shall file his Schedule or be brought up to be dealt with according to this Act,) all the Personal Estate and Effects of such Bankrupt or Insolvent, present and future, wheresoever the same may be, and all Property which he may purchase, or which may revert, descend, be devised, or bequeathed or come to him, before such Bankrupt shall have obtained his Certificate or such Insolvent shall have become entitled to his final Discharge in pursuance of the Adjudication made in that Behalf, and all Debts due or to be due to him, shall become absolutely vested in the Assignees for the Time being for the Benefit of the Creditors of the Bankrupt or Insolvent; and no such Bankrupt or Insolvent, nor any Person claiming through or under him, shall have Power to recover the same, nor to make any Release or Discharge thereof, neither shall the same be attached as the Debt of such Bankrupt or Insolvent by any Person, according to the Custom of the City of *Dublin* or otherwise, but such Assignees shall have absolute Power and Remedy to recover the same in their own Names.

Real Estate to vest in Assignees.

CCLXVIII. When any Person shall be adjudged a Bankrupt, and upon the filing of any Petition of Insolvency by any Insolvent, and also on the filing of any Petition of Insolvency against any Insolvent by any Creditor, (if the Court shall make an Order thereon that such Insolvent should file his Schedule or be brought up to be dealt with according to this Act,) all Lands, Tenements, and Hereditaments, (except Copy or Customary hold,) wheresoever the same may be situate, to which any such Bankrupt or Insolvent is entitled, and all Interest therein to which such Bankrupt or Insolvent is entitled, and of which he might have disposed, and all such Lands, Tenements, and Hereditaments as he shall purchase, or shall descend, be devised, revert to, or come to such Bankrupt, before he shall have obtained his

his Certificate, or to such Insolvent before his final Discharge, and all Deeds, Papers, and Writings respecting the same, shall become absolutely vested in the Assignees for the Time being for the Benefit of the Creditors of such Bankrupt or Insolvent.

Assignees, their Rights and Duties.

CCLXIX. Where, according to Law, any Conveyance or Assignment of any Real or Personal Property of a Bankrupt or Insolvent would require to be registered, enrolled, or recorded in any Registry Office, Court, or Place in the United Kingdom, or in any of the Dominions of Her Majesty, then and in every such Case a Certificate under the Seal of the Court, and in such Form as the Court may direct, that the Estate and Effects of the Bankrupt or Insolvent have vested in the Assignees, shall be registered in such Registry Office, Court, or Place, and shall have the like Effect to all Intents and Purposes as the Registry, Enrolment, or recording of such Conveyance or Assignment would have had; but the Title of any Purchaser of any such Property for valuable Consideration, *bonâ fide*, without Notice of the Bankruptcy, or before the Commencement of the Imprisonment of such Insolvent, who shall have duly registered, enrolled, or recorded his Purchase Deed previous to the Registry hereby directed, shall not be invalidated by reason of such Appointment of Assignees, or of the vesting of such Property in them, unless such Certificate shall be registered as aforesaid within the Times following; (that is to say,) as regards the United Kingdom, within Two Months of the Date of such Appointment, and as regards all other Places, within Twelve Months from the Date thereof.

Where a Conveyance of a Property of a Bankrupt or Insolvent would require to be registered, the Certificate of the Appointment of the Assignees shall be registered.

CCLXX. No Assignees of any Bankrupt's or Insolvent's Estate, nor any Purchaser from any such Assignees of any Goods, Chattels, Stock, or Crop, being Part of the Estate of any Bankrupt or Insolvent engaged or employed in Husbandry on any Lands let to Farm, shall take, use, or dispose of any Hay, Straw, Grass or Grasses, Turnips, or other Roots, or any other Produce of such Lands, or any Manure, Compost, Ashes, Seaweed, or other Dressings intended for such Lands, and being thereon, in any other Manner or for any other Purpose than such Bankrupt or Insolvent so employed in Husbandry lawfully might have taken, used, or disposed of the same.

Assignees not to take Crop in any other Way than Bankrupt or Insolvent would have been entitled to.

CCLXXI. If the Assignees of any Bankrupt or Insolvent, being entitled to any Land, either under a Conveyance, Agreement, or otherwise, subject to any Rent, or being entitled to any Lease or Agreement for a Lease, shall elect to take such Land or the Benefit of such Lease or Agreement for a Lease, such Bankrupt or Insolvent shall not be liable to pay any Rent accruing after the filing of the Petition of Bankruptcy or Insolvency, or to be sued

Bankrupt or Insolvent not liable to Rents or Covenants in Conveyances, Leases, &c.; and if Assignees decline to determine whether they will accept Conveyance, &c., any Person enti-

tled may apply to the Court.

sued in respect of any subsequent Nonobservance or Nonperformance of any Conditions, Covenants, or Agreements in any such Conveyance or Agreement, or Lease or Agreement for a Lease; and if the Assignees shall not within a reasonable Time after being thereto required elect whether they will accept or decline such Land, or Conveyance or Agreement, or such Lease or Agreement for a Lease, any Person entitled to such Rent, or having so conveyed or agreed to convey, or leased or agreed to lease, or any Person claiming under him, shall be entitled to apply to the Court, and the Court may order them to elect, and may order the Lessees or the Bankrupt or Insolvent to deliver up such Conveyance or Agreement for Conveyance, or Lease or Agreement for Lease, in case they shall decline the same, and the Possession of the Premises, or may make such other Order therein as it shall think fit.

Vendor of Estate in Lands may compel Assignees to elect whether they will abide by or decline the Agreement for Sale.

CCLXXII. If any Bankrupt or Insolvent shall have entered into any Agreement for the Purchase of any Estate or Interest in Land, the Vendor or any Person claiming under him, if the Assignees shall not (upon being thereto required) elect whether they will abide by and execute such Agreement or abandon the same, may apply to the Court, and the Court may thereupon order them or the Bankrupt or Insolvent to deliver up the Agreement and the Possession of the Premises, or may make such other Order therein as such Court shall think fit.

Assignees may execute Powers previously vested in Bankrupt or Insolvent.

CCLXXIII. All Powers vested in any Bankrupt or Insolvent which he might legally execute for his own Benefit (except the Right of Nomination to any vacant Ecclesiastical Benefice) may be executed by the Assignees for the Benefit of the Creditors.

Court may order Bankrupts or Insolvents to join in Conveyances.

CCLXXIV. It shall be lawful for the Court, upon the Application of the Assignees, or of any Purchaser from them of any Part of the Bankrupt's or Insolvent's Estate, to order the Bankrupt or Insolvent to join in any Conveyance of such Estate or any Part thereof, or any Act or Deed in relation thereto; and if he shall not comply with such Order, such Bankrupt or Insolvent, and all Persons claiming under him, shall be stopped from objecting to the Validity of such Conveyance, and all Estate, Right or Title which such Bankrupt or Insolvent had therein shall be as effectually barred by such Order as if such Conveyance had been executed by him.

Conditional Estates granted by the Bankrupt or Insolvent may be redeemed.

CCLXXV. If any Bankrupt or Insolvent shall have granted, conveyed, assured, or pledged any Real or Personal Estate, or deposited any Deeds, subject to a Condition or Power of Redemption at a future Day, the Assignees may, before the Time of the Performance of

Assignees, their Rights and Duties.

of such Condition, make Tender or Payment of Money or other Performance according to such Condition, as fully as the Bankrupt or Insolvent might have done; and after such Tender, Payment, or Performance such Real or Personal Estate may be sold and disposed of for the Benefit of the Creditors.

Assignees may appoint the Bankrupt or Insolvent to manage the Estate.

CCLXXVI. The Assignee may, with the Approbation of the Court, appoint any Bankrupt or Insolvent to superintend the Management of the Estate, or to carry on the Trade for behoof of the Creditors, or in any other respect to aid them in administering the Bankrupt's or Insolvent's Estates and Effects, in such Manner and on such Terms as they may think best.

Assignees subject to Orders of Court.

CCLXXVII. The Assignees shall be subject to the Orders of the Court in their Conduct as Assignees; and it shall be lawful for the Court at all Times to summon the Assignees, and examine them and require them to pay all Monies, and produce and deliver over all Books, Papers, Deeds, Writings, and other Documents which may have come to their Possession or Custody as such Assignees, as the Court shall order.

Member of a Firm becoming bankrupt or insolvent, the Court may authorize Suit in Name of Assignees and of remaining Partner.

CCLXXVIII. If any Bankrupt or Insolvent shall at the Time of the Bankruptcy or the filing the Petition of Insolvency be a Member of a Firm, it shall be lawful for the Court to authorize the Assignees to commence or prosecute any Suit in the Name of such Assignees and of the remaining Partner, to recover any Debt due to or any Estate or Effects of the Partnership; and such Judgment, Decree, or Order may be obtained therein as if such Suit had been instituted with the Consent of such Partner; and if such Partner shall execute any Release of the Claim for which such Suit is instituted, such Release shall be void; provided that every such Partner shall have Notice given him of such Application, and be at liberty to show Cause against it, and, if no Benefit be claimed by him by virtue of the said Proceedings, shall be indemnified against the Payment of any Costs in respect of such Suit in such Manner as the Court may direct; and it shall be lawful for the Court, upon the Application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as the Court shall direct.

Partner to have Notice and may show Cause.

Court may direct Partner to have Part of Proceeds.

Assignees may institute or defend Suits, and compound for Debts or submit Disputes to Arbitration.

CCLXXIX. The Assignees, with the Leave of the Court, may commence, prosecute, or defend any Suit which the Bankrupt or Insolvent might have commenced and prosecuted or defended, and in such Case the Costs to which they may be put shall be allowed out of the Estate; and, with like Leave of the Court, the Assignees may take such reasonable Part of any Debts due to the Bankrupt's or Insolvent's

Assignees, their Rights and Duties.

Insolvent's Estate as may by Composition be gotten, or may give Time, or take Security for the Payment of such Debts, and may submit to Arbitration any Difference or Dispute between the Assignees and any other Person for or on account or by reason of anything relating to the Estate and Effects of the Bankrupt or Insolvent.

Reference to Arbitration be made a Rule of Court.

CCLXXX. If the Assignees shall agree to refer any Matter to Arbitration, such Reference shall be made a Rule of the Court.

Persons from whom the Assignees have recovered, or who have paid the Assignees, &c., discharged from Claims by the Bankrupt or Insolvent.

CCLXXXI. All Persons from whom the Assignees shall have recovered any Real or Personal Estate, and all Persons who shall without Suit *bonâ fide* deliver up Possession of any Real or Personal Estate to the Assignees, or pay any Debt claimed by them, are hereby discharged from all Claim of such Bankrupt or Insolvent in respect of the same, even although the Petition of Bankruptcy or Insolvency be afterwards dismissed, or the Adjudication annulled.

Allowance to Persons disclosing concealed Property.

CCLXXXII. The Assignees may, with the Approval of the Court, make to any Person who shall discover and disclose Property of any Bankrupt or Insolvent concealed or withheld such Allowance out of such Property as to the Court shall seem fit.

Suits not to abate by Death or Removal of Assignees.

CCLXXXIII. Whenever an Assignee shall die, or be removed, or a new Assignee shall be appointed, no Suit shall be thereby abated, but the Court in which any Suit is depending may, upon the Suggestion of such Death or Removal and new Appointment, allow the Name of the new Assignee to be substituted.

Protection to Assignees if Prisoner discharged without Adjudication.

CCLXXXIV. In case any Prisoner who shall have filed a Petition of Insolvency, or against whom a Petition of Insolvency has been filed by any Creditor, shall be discharged out of Custody without any Adjudication being made by the Court, all the Acts done before his Discharge by the Assignees or other Persons acting by the Authority of the Court shall, according to the Provisions of this Act, be good and valid; and in such Case no Suit shall be commenced against any Assignees appointed under this Act, or any Person duly acting under their Authority or the Authority of the Court, except to recover any Property, Estate, Money, or Effects of such Prisoner detained after an Order made by the Court for the Delivery thereof, and Demand made thereupon.

Limitations of Actions for Things done in pursuance of this Act. General Issue. Costs.

CCLXXXV. Every Action brought against any Person for anything done in pursuance of this Act shall be commenced within Six Months next after the Fact committed; and the Defendant may plead that the same was done by Authority of this Act; and if it shall appear

appear so to have been done, or that such Action was commenced after the Time limited as aforesaid for bringing the same, the Jury shall find for the Defendant.

The Audit and Dividend.

Appointment for Sitting for Audit.

CCLXXXVI. The Court shall whenever it shall think fit, at a public Sitting, of which such Notice shall be given as the Court shall by any General or Special Order direct, audit the Accounts of the Assignees; and at such Sitting the Assignees shall deliver upon Oath a true Statement in Writing of all Money received by them respectively, and when and on what Account, and how the same has been employed, and such other Particulars as the Court may direct; and the Court shall examine such Statement, and ascertain what Balances have been from Time to Time in the Hands of such Assignees respectively, and with what Sums the Assignees are properly chargeable; and it shall be lawful for the Court to examine the Assignees upon Oath touching such Accounts, and to make therein all just Allowances, but the Court may, if it think fit, dispense with the Attendance of the Creditor's Assignees at such Sitting.

Court may direct Money to be invested in Exchequer Bills.

CCLXXXVII. The Court may direct any Money, Part of such Estate, to be vested in the Purchase of Exchequer Bills, or in the Public Funds, for the Benefit of the Creditors, and may direct where and with whom such Exchequer Bills shall be kept, and cause such Exchequer Bills or Funds to be sold when it shall appear to such Court expedient, and may direct the Proceeds thereof to be again laid out in the Purchase of Exchequer Bills, or in the Public Funds, or to be applied for the Benefit of the Creditors.

Method of making Dividends.

CCLXXXVIII. The Court shall, whenever it shall think fit, appoint a public Sitting, whereof such Notice shall be given as the Court shall by any General or Special Order direct, to make a Dividend, and may at such Sitting direct such Part of the net Produce of the Estate as it may think fit to be forthwith divided, and make an Order for Dividend accordingly in such Form as the Court shall by any General Order direct; and the Assignees shall forthwith make such Dividend in manner directed by the Orders at any Time in force under this Act relating to the Mode of Payment of Dividends by the Assignees.

Sitting for Audit and Dividend.

CCLXXXIX. The Court may appoint the same Sitting for the Audit and Dividend.

Final Dividend within Eighteen Months, except where Suits depend.

CCXC. If the Estate shall not have been wholly divided upon the First Dividend, the Court shall, within Eighteen Months after the filing of the Petition, appoint a public Sitting to make a Second

ing or Estates not sold, &c.

Dividend, of which such Notice shall be given as the Court shall by any General or Special Order direct, and at such Sitting shall order the Balance in hand to be forthwith divided; and such Second Dividend shall be final, unless any Suit be depending, or any Part of the Estate be not sold or disposed of, or unless some other Estate or Effects shall afterwards come to the Assignees, in which Case they shall as soon as may be convert such Estate and Effects into Money, and within Two Months after the same shall be so converted the same shall also be divided in manner aforesaid.

Outstanding Debts, &c. may be sold by the Assignees after a certain Time.

CCXCI. If there shall be any outstanding Debts or other Property belonging to the Estate of the Bankrupt or Insolvent which cannot in the Opinion of the Court be collected and received without unreasonable or inconvenient Delay, it shall be lawful for the Assignees, under the Direction of the Court, to sell and assign such Debts and other Property in such Manner and subject to such Conditions as shall be ordered by the Court; and any Person to whom any of such Debts shall be so sold or assigned may sue for the same in his own Name as fully as the Assignees might have done.

Debtor and Creditor Account to be furnished by Official Assignee, to Trade Assignee, &c. before final Dividend.

CCXCII. Fourteen Days before a final Dividend shall be advertised there shall be sent by the Official Assignee to each Creditor's Assignee a Debtor and Creditor Account between the Official Assignee and such Estate, showing also the Monies remaining uncollected under such Estate, and the Cause of such Monies remaining uncollected; and a Copy of such Account shall, on Application to the Official Assignee, be delivered to any Person who shall pay for the same such Sum, not exceeding Two Shillings and Sixpence, as shall be settled by the Court.

No Action to be brought for Dividends, but the Remedy to be by Application to the Court.

CCXCIII. No Action for any Dividend shall be brought against any Assignee, but if the Assignees shall refuse to pay any such Dividend the Court may order Payment thereof, with Interest for the Time it shall have been withheld, and may also order the Costs of the Application.

Unclaimed Dividends, &c.

Monies standing to Credit of General Fund Account in Insolvency to be carried to the Unclaimed Dividend Account.

CCXCIV. All Monies and Government Securities which shall, at the Time appointed for the Commencement of this Act, stand in the Bank of *Ireland*, with the Privity of the Chief Clerk of the Court for Relief of Insolvent Debtors, to the Credit of an Account called "The General Fund Account," shall be carried by the Bank of *Ireland* to the Credit of an Account to be called "The Unclaimed Dividend Account," subject to the Orders of the Court for the Payment thereout of any Dividend, or for the Distribution of any Part thereof, in the Matter to which the same originally belonged.

CCXCV. All

Unclaimed Dividends, &c.

Unclaimed Dividends to be carried to the same Account.

CCXCV. All unclaimed Dividends, save Dividends declared before the passing of this Act, and all Monies unclaimed, the Produce of any Bankrupt's or Insolvent's Estate, shall, after the Expiration of the Period of Twelve Months from the Dividend having been declared, or from the Time at which any other Monies unclaimed shall have come to the Hands of the Assignees, be paid into or transferred to the Credit of "The Unclaimed Dividend Account," subject to the Order of the Court for the Payment thereout of any Dividend due to any Creditor, or for the Distribution of any such other unclaimed Money.

Court may direct Investment.

CCXCVI. The Court may, from Time to Time, direct that the whole or any Part of the Monies standing to the Credit of said Unclaimed Dividend Account shall be invested in the Public Funds.

Application of Interest.

CCXCVII. The Interest and Profit arising from "The Unclaimed Dividend Account" shall from Time to Time be applied, under the Order of the Court, towards defraying the Expenses of the Court.

Allowances to the Bankrupt or Insolvent.

Bankrupt, &c. allowed to retain, as "Excepted Articles," Furniture, Tools, &c.

CCXCVIII. Every Bankrupt and Insolvent shall be entitled to retain, under the Name of excepted Articles, such Articles of Household Furniture, and Tools, Implements of Trade, and other like Necessaries, as he shall specify and select, not exceeding in the whole the Value of Twenty Pounds; and such excepted Articles shall not be subject to be sold or disposed of in the Bankruptcy or Insolvency, or to be taken in Execution at the Suit of any Creditor entitled to prove under the Bankruptcy or Insolvency; and in all Cases there shall be filed with the Proceedings an Inventory of such excepted Articles, with a Valuation of the same respectively, with a Certificate signed by the Appraiser or other Person making such Valuation attesting the Truth thereof, and stating when and where such Articles were seen and valued.

An Inventory and Valuation of the Remainder of the Bankrupt's or Insolvent's Household Furniture, &c. to be made, which shall not be sold without Order of the Court.

CCXCIX. Except where the Court shall otherwise order, an Inventory and Valuation of the Remainder of the Bankrupt's or Insolvent's Household Furniture, Tools, and Implements of Trade shall be made and delivered to the Official Assignee; and where the Bankrupt or Insolvent shall, by Writing under his Hand, request the Assignees not to dispose of the same, such Household Furniture, Tools, or Implements of Trade shall not be disposed of by the Assignees without previous Order of the Court; and the Court may, upon the Application of the Bankrupt or Insolvent, postpone the Removal and Sale of the same for such Time as the Court, in the Exercise of its Discretion, shall think fit, and the Court may permit the

Allowances to the Bankrupt or Insolvent.

the same to remain in the Use of the Bankrupt or Insolvent, upon such Terms and Conditions and with such Security as may seem proper; and the Court may at any Time order the same to be taken by the Messenger or Assignees, and to be sold for the Benefit of the Creditors.

If Bankrupt or Insolvent entitled to any Allowance, his Household Furniture, &c. to be taken in lieu of Money.

CCC. If the Bankrupt or Insolvent shall become entitled to an Allowance in Money, and the Household Furniture, Tools, and Implements of Trade so contained in the last-mentioned Inventory and Valuation shall not have been sold, the Bankrupt or Insolvent shall accept the same at the Valuation so originally put upon the same, or a sufficient Portion thereof, to be selected by him, with the Approbation of the Assignees, as and for his Allowance instead of Money; and such Articles so accepted shall thereupon revest in him as his own Property.

Allowance for Maintenance.

CCCI. It shall be lawful for the Court, if it think fit, from Time to Time to make such Allowance to the Bankrupt or Insolvent, out of his Estate, as shall be necessary for the Support of himself and Family.

Allowance to Bankrupt 5 per Cent. and not exceeding 400*l.* as soon as 10*s.* paid in the Pound.

7½ per Cent. and not exceeding 500*l.*, if 12*s.* 6*d.*

10 per Cent. and not exceeding 600*l.*, if 15*s.*

CCCII. The Court may make to every Bankrupt who shall have obtained his Certificate, and every Insolvent who shall have obtained his final Discharge, such Allowance out of the Estate as to the Court shall seem fit, not exceeding the Rates and Amount following, that is to say, if the net Produce of the Estate shall pay the Creditors Five Shillings in the Pound, an Allowance at the Rate of Three Pounds *per Centum*, provided such Allowance shall not exceed Three hundred Pounds; and if such Produce shall pay such Creditors Ten Shillings in the Pound, an Allowance at the Rate of Five Pounds *per Centum*, provided such Allowance shall not exceed Four hundred Pounds; and if such Produce shall pay such Creditors Twelve Shillings and Sixpence in the Pound, an Allowance at the Rate of Seven Pounds Ten Shillings *per Centum*, provided such Allowance shall not exceed Five hundred Pounds; if such Produce shall pay such Creditors Fifteen Shillings in the Pound or upwards, an Allowance at the Rate of Ten Pounds *per Centum*, provided such Allowance shall not exceed Six hundred Pounds.

One Partner may receive Allowance although other not entitled.

CCCIII. The Court may make such Allowance to any Partner if a sufficient Dividend shall have been paid upon the joint Estate and upon the separate Estate of such Partner, although the other Partner may not be entitled to any Allowance.

CCCIV. If

Allowances to the Bankrupt or Insolvent.

If Estate pay 20*s.* in the Pound and Interest, and leave a Surplus, the same to be paid to Bankrupt, &c.

CCCIV. If the Produce of the Estate of any Bankrupt or Insolvent shall be sufficient to pay Twenty Shillings in the Pound, with such Interest as the Court shall allow to the Creditors, and to leave a Surplus, the Court shall order such Surplus to be paid to such Bankrupt or Insolvent, his Executors, Administrators, or Assigns.

Power of Court in relation to Property, &c.

Court may summon Bankrupt or Insolvent, and issue Warrant if he does not attend.

CCCV. The Court may at any Time summon any Bankrupt or Insolvent before it; and in case he shall not come at the Time appointed by the Court (having no lawful Impediment made known to and allowed by the Court at such Time), it shall be lawful for the Court by Warrant to authorize and direct any Person or Persons the Court shall think fit to apprehend and arrest such Bankrupt or Insolvent, either in *Ireland* or *Great Britain*, and to bring him before the Court, provided the Warrant, if executed in *England* or *Scotland*, shall be verified upon Oath, and backed or indorsed as herein-before directed.

Court may examine Bankrupt or Insolvent as to his Estate, &c.

CCCVI. Upon the Appearance of such Bankrupt or Insolvent, or if such Bankrupt or Insolvent be present at any Sitting of the Court, it shall be lawful for the Court to examine such Bankrupt or Insolvent upon Oath, either by Word of Mouth or on Interrogatories in Writing, touching all Matters relating to his Trade, Dealings, or Estate, and to reduce his Answers into Writing, which Examination so reduced into Writing the said Bankrupt or Insolvent shall sign.

Court may summon and examine the Wife of Bankrupt or Insolvent.

CCCVII. It shall be lawful for the Court to summon before it the Wife of any Bankrupt or Insolvent, and to examine her upon Oath, either by Word of Mouth or Interrogatories in Writing, for the finding out and Discovery of the Estate, Goods, and Chattels of such Bankrupt or Insolvent concealed, kept, or disposed of by such Wife, in her own Person or by her own Act, or by any other Person, and to reduce her Examination into Writing, which Examination she is required to sign.

Court empowered to summon Persons suspected of having Bankrupt's or Insolvent's Property, &c.

CCCVIII. After Adjudication in Bankruptcy, or the filing of a Petition in Insolvency, it shall be lawful for the Court to summon before it any Person known or suspected to have any of the Estate of the Bankrupt or Insolvent in his Possession, or who is supposed to be indebted to the Bankrupt or Insolvent, or any Person the Court may believe capable of giving Information concerning the Person, Trade, Dealings, or Estate of the Bankrupt or Insolvent; and the Court may require such Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power which may appear to the Court material in relation to the Matters which the

Power of Court in relation to Property, &c.

Court is authorized to inquire into; and if such Person so summoned as aforesaid shall not come before the Court at the Time appointed, having no lawful Impediment (made known to and allowed by the Court), it shall be lawful for the Court by Warrant to authorize and direct the Person or Persons therein named for that Purpose to apprehend and arrest such Person, and bring him before the Court for Examination.

Service of Summons where Persons keep out of the Way.

CCCIX. Where it shall be shown by Affidavit to the Satisfaction of the Court that any Person to whom any Summons, Copy of Affidavit, Notice, or Order, or other Proceeding under this Act is directed, is keeping out of the Way, and cannot be personally served therewith, it shall be lawful for the Court to order that the Delivery of a Copy of such Summons, Copy of Affidavit, Notice, or Order, or other Proceeding, to the Wife or Servant or some adult Inmate of the House or Family of the Person at his usual or last known Place of Abode or Business, and explaining the Purport thereof to such Wife, Servant, or Inmate, shall be equivalent to Personal Service; and in every such Case the Service of such Summons, Copy of Affidavit, Notice, Order, or other Proceeding under this Act, in pursuance of such Order, shall be and be deemed of the same Effect, to all Intents and Purposes, as Personal Service.

Power to examine Persons summoned or present at any Sitting.

CCCX. Upon the Appearance of any Person summoned or brought before the Court, or if any Person be present at any Sitting of the Court, it shall be lawful for the Court to examine every such Person upon Oath, either by Word of Mouth or by Interrogatories in Writing, concerning the Person, Trade, Dealings, or Estate of any Bankrupt or Insolvent, and to reduce into Writing the Answers of every such Person; and such Answers, so reduced into Writing, such Person examined is hereby required to sign.

In a Case of Debts due to Bankrupt's or Insolvent's Estate, Court may order Payment.

CCCXI. If on the Examination of any Person alleged to be a Debtor to the Estate of any Bankrupt or Insolvent it shall appear that such Person is indebted to the Bankrupt or Insolvent in any Sum of Money, and that there is no Set-off or Defence to the same, it shall be lawful for the Court, if it think fit, to order (in the Form contained in the Schedule (S.) to this Act annexed, or to the like Effect,) that such Person shall forthwith, or at such Time and in such Manner as to the Court may seem expedient, pay the Amount to the Official Assignee, together with the Costs of and incident to the Summons of such Person, if the Court think fit to award Costs; or the Court may, if it think fit, in the said Form contained in Schedule (S.) to this Act annexed, or to the like Effect, order the Official Assignee to pay the Costs of the Person summoned out

out of the Estate of the Bankrupt or Insolvent; provided also, that if Part only of the Sum actually due be so admitted, or if the Court make an Order for Part only of the Sum, the Residue may be recoverable in the same Manner in all respects as if no such Order had been made.

Power of Court in relation to Property, &c.

CCCXII. The Court may order that for a Period not exceeding Three Months from the Date of any such Order all Post Letters directed or addressed to any Bankrupt or Insolvent shall be re-directed, re-addressed, sent, or delivered by the Postmaster General, or the Officers acting under him, to the Assignees, or other Person named in such Order; and upon Notice, by Transmission of a Duplicate of any such Order to the Postmaster General, or the Officers acting under him, by the Assignees, it shall be lawful for the Postmaster General, or such Officers as aforesaid, in *England*, *Scotland*, or *Ireland*, to re-address, re-direct, send, or deliver all such Post Letters to the Assignee, or other Person named in such Order, accordingly; and the Court may, upon any Application to be made for that Purpose, renew any such Order for the like or for any other less Period as often as may be necessary.

Court may order Letters addressed to Bankrupt or Insolvent to be re-directed, or delivered to Official Assignees, &c.

CCCXIII. If any Bankrupt, at the Time he becomes bankrupt, or if any Insolvent, at the Time of the Commencement of his Imprisonment, shall, by the Consent and Permission of the true Owner thereof, have in his Possession, Order, or Disposition any Goods or Chattels whereof he was reputed Owner, or whereof he had taken upon him the Sale, Alteration, or Disposition as Owner, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors under the Bankruptcy or Insolvency; but the Provisions of this Section shall not apply to any Transfer or Assignment of any Ship or Vessel, or any Share thereof, made by way of Security, duly registered according to the Provisions of the Laws in force for the registering of *British* Vessels.

Court may order Goods in the Possession, Order, or Disposition of the Bankrupt or Insolvent to be sold.

Not to apply to Assignment of Vessels under the Laws for registering Vessels.

CCCXIV. If any Bankrupt or Insolvent, being at the Time in insolvent Circumstances, shall (except upon the Marriage of any of his Children or for some valuable Consideration) have conveyed, assigned, or transferred to any of his Children or to any other Person any Hereditaments, Offices, Fees, Annuities, Leases, Goods, or Chattels, or have delivered or made over to any such Persons any Bills, Bonds, Notes, or other Securities, or have transferred his Debts to any other Person or into any other Person's Name, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors; and every such Sale shall be valid against the

Power of Court over certain Conveyances, &c. made by Bankrupt or Insolvent.

Power of Court in relation to Property, &c.

the Bankrupt or Insolvent and such Children and Persons, and against all Persons claiming under him.

Court may sell Property improperly extended.

CCCXV. If any Real or Personal Estate or Debts of any Bankrupt be extended after he shall have become bankrupt, or of any Insolvent after the Commencement of his Imprisonment, by any Person, under Pretence of his being an Accountant of or Debtor to the Queen, the Court may examine upon Oath whether the said Debt was due to such Debtor or Accountant upon any Contract originally made between such Accountant and the Bankrupt or Insolvent; and if such Contract was originally made with any other Person than the said Debtor or Accountant, or in trust for any other Person, the Court may order such Real and Personal Estate or Debts to be sold for the Benefit of the Creditors, and such Sale shall be valid against the said Extent and all Persons claiming under it; and any Person to whom the said Real and Personal Estate or Debts shall be bargained, sold, granted, or assigned by the Court shall have and may recover the same against any Person who shall detain the same.

Court may permit Mortgagees to bid at Sale.

CCCXVI. The Court may permit any Mortgagee to bid at any Sale of the mortgaged Premises which shall take place before the Court.

Discretion as to the Disposal of Property in certain Cases.

CCCXVII. And whereas Bankrupts and Insolvents may be entitled to Property under such Circumstances that the immediate Sale thereof may be very prejudicial: In all such Cases it shall be lawful for the Court to take into consideration all Circumstances affecting such Property, and make any Special Order touching the same, and to direct that such Property shall not be sold, and from Time to Time to order and direct in what Manner such Property shall be managed for the Benefit of the Creditors of such Person, until the same can be properly sold, and to make such Orders touching the Sale or Disposition of such Property, and upon such Terms and Conditions with respect to the Allowance of Interest, or otherwise, as to the Court shall seem just.

Property may be mortgaged if more beneficial.

CCCXVIII. If it shall appear to the Court that the Debts of any Bankrupt or Insolvent can be discharged by means of Money raised by way of Mortgage on any Property of such Person, instead of raising the same by Sale, it shall be lawful for the Court so to order, and to give all necessary Directions for such Purpose, and generally to direct all Things which may be proper for the Discharge of the Debts of such Person, in such Manner as may be most consistent with the Interests

Interests of such Person in any Surplus of his or her Effects after Payment of such Debts.

Power of Court in relation to Property, &c.

CCCXIX. The Court may order such Portion of the Pay, Half Pay, Salary, Emolument, or Pension of any Bankrupt or Insolvent as, on Communication from the Court to the Secretary-of-War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the Chief Officers of the Department to which such Bankrupt or Insolvent may belong or may have belonged, or under which such Pay, Half Pay, Salary, Emolument, or Pension may be enjoyed by such Bankrupt or Insolvent, or to the Court of Directors of the *East India* Company, they respectively may, under their Hands, or under the Hand of their respective Chief Secretary or other Chief Officer for the Time being, consent to, in Writing, to be paid to the Official Assignee, in order that the same may be applied in Payment of the Debts of such Bankrupt or Insolvent; and, such Order and Consent being lodged in the Office of Her Majesty's Paymaster General, or of the Secretary of said Court of Directors, or of any other Officer or Persons appointed to pay or paying any such Half Pay, Salary, Emolument, or Pension, such Portion of the said Pay, Half Pay, Salary, Emolument, or Pension as shall be specified in such Order and Consent shall be paid to such Official Assignee until the Court shall make Order to the contrary.

Pay, Half Pay, and Pensions of Bankrupts and Insolvents to be applicable for Creditors.

CCCXX. If any Bankrupt or Insolvent shall have any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in *Ireland*, *England*, or *Scotland*, standing in his Name in his own Right, it shall be lawful for the Court to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name of the Assignees, and to pay all Dividends upon the same to the Official Assignees; and all such Persons whose Act or Consent is so necessary are hereby indemnified for all Things done or permitted pursuant to such Order.

Where Bankrupt or Insolvent beneficially entitled to Stock, Court may make Order for Transfer.

CCCXXI. No Distress for Rent made after an Act of Bankruptcy upon the Goods or Effects of any Bankrupt, whether before or after the filing of the Petition of Bankruptcy, shall be available for more than Six Months Rent accrued prior to the Day of the filing of such Petition; and no Distress for Rent made and levied after the Commencement of the Imprisonment of any Insolvent shall be available for more than Six Months Rent accrued prior to the filing of the Petition of Insolvency, but the Landlord or Persons to whom the Rent shall be due shall be allowed to come in as a Creditor for the Overplus of the Rent due, and for which the Distress shall not be available.

Distress not to be available for more than One Half Year's Rent due; the Landlord to prove for the Residue.

CCCXXII. If

Power of Court in relation to Property, &c.

Where Bankrupt or Insolvent is a Trustee, Court may order Assignment to another Trustee.

CCCXXII. If any Bankrupt or Insolvent shall as Trustee be seised, possessed of, or entitled to, either alone or jointly, any Real or Personal Estate, or any Interest secured upon or arising out of the same, or shall have standing in his Name as Trustee, either alone or jointly, any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in *Ireland*, *England*, or *Scotland*, it shall be lawful for the Lord Chancellor, on the Petition of the Person entitled in possession to the Receipt of the Income or Produce thereof, on due Notice given to all other Persons (if any) interested therein, to order the Assignees, and all Persons whose Act or Consent thereto is necessary, to convey, assign, or transfer the said Estate, Interest, Stock, Funds, or Annuities to such Person as the Lord Chancellor shall think fit, upon the same Trusts as the said Estate, Interest, Stock, Funds, or Annuities were subject to before the Bankruptcy or Insolvency, or such of them as shall be then subsisting and capable of taking effect, and also to receive and pay over the Income or Produce thereof as the Lord Chancellor shall direct; and it shall be lawful in such Case for the Lord Chancellor to appoint a new Trustee of the Property in the Place of the Bankrupt or Insolvent.

Titles to Property sold not to be impeached.

CCCXXIII. No Title to any Real or Personal Estate sold under any Bankruptcy or Insolvency shall be impeached by the Bankrupt or Insolvent, or any Person claiming under him, in respect of any Defect in any of the Proceedings.

The Court may order any Treasurer, &c. or Agent of the Bankrupt to deliver all Monies, &c.

CCCXXIV. After the Adjudication of Bankruptcy on a Creditor's Petition shall have been advertised in the "*Dublin Gazette*," or upon the filing of any Petition of Bankruptcy by a Trader, or of any Petition of Insolvency, it shall be lawful for the Court to order any Treasurer or other Officer, or any Banker, Attorney, or Solicitor, or other Agent of the Bankrupt or Insolvent, to pay and deliver over to the Official Assignee, or to the Bank of *Ireland*, to the Credit of the Assignees of the Bankrupt or Insolvent for the Time being, all Monies or Securities for Money in his Custody, Possession, or Power as such Officer or Agent, and which he is not by Law entitled to retain as against the Bankrupt or Insolvent or his Assignees.

Goods under Attachment to be delivered up.

CCCXXV. All Goods and Chattels of any Bankrupt or Insolvent which shall at the filing of the Petition be under Seizure by virtue of any Attachment shall, upon Demand, be delivered up by all Persons having the Custody of same to the Assignees, and the Court may make Order accordingly.

Search Warrants may be granted.

CCCXXVI. In all Cases where it shall be made to appear to the Satisfaction of the Court that there is Reason to believe that any

Power of Court in relation to Property, &c.

any Property of any Bankrupt or Insolvent is concealed in any House or other Place not belonging to such Bankrupt or Insolvent, the Court may grant a Search Warrant to the Messenger and his Assistants or other Person appointed by the Court; and it shall be lawful for such Messenger and his Assistants or other Person to execute such Warrant according to the Tenor thereof; and such Messenger and his Assistants or other Persons shall be entitled to the same Protection as is allowed by Law in Execution of a Search Warrant for Property reputed to be stolen or concealed; and every such Search Warrant shall be in the Form contained in Schedule (R.) to this Act annexed, or to the like Effect.

No Action to be brought against Persons acting in obedience to Warrant of the Court.

CCCXXVII. No Action shall be brought against any Messenger or his Assistants or other Person appointed by the Court for anything done in obedience to any Warrant of the Court, unless Demand of the Perusal and Copy of such Warrant hath been made or left at the usual Place of Abode of such Messenger or his Assistant or other Person by the Party intending to bring such Action, or by his Attorney or Agent, in Writing signed by the Party demanding the same, and unless the same hath been refused or neglected for Six Days after such Demand; and if after such Demand, and Compliance therewith, any Action be brought against such Messenger or Assistant or Person so appointed, the Jury at the Trial of such Action, on the Production and Proof of such Warrant, shall give their Verdict for the Defendant.

Protected Transactions.

Payments, Conveyances, Contracts, &c., Executions against Lands (if executed by Seizure), and against Goods (if executed by Seizure and Sale,) to be valid, if no Notice of Prior Act of Bankruptcy.

CCCXXVIII. All Payments really and *bonâ fide* made by or on behalf of any Bankrupt, before the filing of the Petition of Bankruptcy, to any Creditor of such Bankrupt, and all Payments really and *bonâ fide* made to any Bankrupt before the filing of such Petition, and all Conveyances by any Bankrupt *bonâ fide* made and executed before the filing of such Petition, and all Contracts, Dealings, and Transactions by and with any Bankrupt really and *bonâ fide* made and entered into before the filing of such Petition, and all Executions and Attachments against the Lands and Tenements of any Bankrupt *bonâ fide* executed by Seizure, and all Executions and Attachments against the Goods and Chattels of any Bankrupt *bonâ fide* executed and levied by Seizure and Sale, before the filing of such Petition, shall be deemed to be valid, notwithstanding any prior Act of Bankruptcy by such Bankrupt committed; provided the Person so dealing with or paying to or being paid by such Bankrupt, or at whose Suit or on whose Account such Execution or Attachment shall have issued, had not at the Time of such Payment, Conveyance, Contract, Dealing, or Transaction, or at the Time of so executing or levying

Nothing herein to give Validity to Payment, &c. by way of fraudulent Preference.

Protected Transactions.

levying such Execution or Attachment, Notice of any prior Act of Bankruptcy by him committed; provided that nothing herein contained shall be deemed or taken to give Validity to any Payment, or other Dealing or Transaction whatever being a voluntary or fraudulent Preference of any Creditor by such Bankrupt, or to any Execution founded on a Judgment on a Warrant of Attorney or Cognovit actionem, or Judge's Order obtained by Consent, given by any Bankrupt by way of voluntary or fraudulent Preference.

Creditors having Security not to receive more than other Creditors.

CCCXXIX. No Creditor having Security for his Debt, or having made any Attachment in *Dublin* or in any other Place, by virtue of any Custom there used, of the Goods and Chattels of the Bankrupt, shall receive upon any such Security or Attachment more than a rateable Part of such Debt, except in respect of any Execution or Extent served and levied by Seizure and Sale of or any Mortgage of or Lien upon any Part of the Property of such Bankrupt, before the filing of a Petition of Bankruptcy.

No Validity to null or fraudulent Matters.

CCCXXX. Nothing herein contained shall be deemed to give Validity to any Warrant of Attorney, Cognovit, or Consent to a Judge's Order, declared to be null and void; nor to give Validity to any Judgment entered up, under or by virtue of any such Warrant of Attorney or Consent, nor to any Extent executed or levied under or by virtue of any such Warrant of Attorney, Cognovit, or Consent; nor to give Validity to any Contract, Covenant, Dealing, or Transaction by way of voluntary or fraudulent Preference.

Registry of Judgment under 13 & 14 Vict. c. 29. not to give Priority unless, &c.

CCCXXXI. No Judgment Creditor who, under the Provisions of an Act of Parliament passed in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Twenty-nine, Sections Six and Seven, shall, after the passing of this Act, have registered an Affidavit of his Judgment, shall be entitled thereby, in the event of the Bankruptcy of the Person against whom such Judgment shall have been registered, to any Priority or Preference over Simple Contract Creditors, unless such Affidavit shall have been registered Three Months before the filing of the Petition.

Bonâ fide Purchases not to be impeached unless Petition filed within Six Months after Act of Bankruptcy.

CCCXXXII. No Purchase from any Bankrupt *bonâ fide* and for valuable Consideration, where the Purchaser had Notice at the Time of such Purchase of an Act of Bankruptcy by such Bankrupt committed, shall be impeached by reason thereof, unless a Petition of Bankruptcy shall have been filed within Six Months after such Act of Bankruptcy.

CCCXXXIII. Every

Warrants of Attorney, &c.

Certain Warrants of Attorney, Cognovits, and Consents, given within Two Months of filing Petition, to be null and void.

CCCXXXIII. Every Warrant of Attorney to confess Judgment in any personal Action given by any Bankrupt or Insolvent after the Commencement of this Act, and within Two Months of the filing of a Petition of Bankruptcy or Insolvency by or against such Bankrupt or Insolvent, and being (wholly or in part) for or in respect of an antecedent Debt or Money Demand, and every Cognovit actionem or Consent for Judgment given by any Bankrupt or Insolvent at any Time after the Commencement of this Act, and within Two Months of the filing of any such Petition in any Action commenced by Collusion with the Bankrupt or Insolvent, and not adversely, or purporting to have been given in an Action, but having been in fact given before the Commencement of any Action against the Bankrupt or Insolvent, such Bankrupt or Insolvent being unable to meet his Engagements at the Time of giving such Warrant of Attorney, Cognovit actionem, or Consent, (as the Case may be,) shall be deemed and taken to be null and void, whether the same shall have been given by such Bankrupt or Insolvent in contemplation of Bankruptcy or Insolvency or not.

Warrants of Attorney and Cognovits actionem to be void unless the same or a Copy thereof be filed, &c. within 21 days after the Execution thereof.

CCCXXXIV. If after the Commencement of this Act any Warrant of Attorney to confess Judgment in any personal Action, or any Cognovit actionem in any personal Action, shall have been given by any Bankrupt or Insolvent, and such Warrant or Cognovit, or a true Copy thereof, shall not have been filed with the proper Officer in the Courts at *Dublin* in which Judgment on such Warrant or Cognovit shall thereafter be entered up, within Twenty-one Days next after the Execution thereof, in Manner and Form provided by the Act passed in the Session of the Third and Fourth Years of the Reign of Her Majesty, Chapter 105, every such Warrant and Cognovit shall be deemed fraudulent, null, and void, to all Intents and Purposes whatsoever; and if any such Warrant or Cognovit which shall be so filed as aforesaid shall have been given subject to any Defeasance or Condition, such Defeasance or Condition shall be written on the same Paper or Parchment on which such Warrant or Cognovit shall be written, before the Time when the same or a Copy thereof respectively shall be filed, otherwise such Warrant or Cognovit shall be null and void to all Intents and Purposes whatever.

Pleas of Confession, Consents, &c. to be void unless filed within 21 Days, in like Manner with Warrants of Attorney and Cognovits actionem.

CCCXXXV. After the Commencement of this Act, the Provisions of the said Act passed in the Session of the Third and Fourth Years of the Reign of Her present Majesty, Chapter 105, with reference to the filing of Warrants of Attorney to confess Judgment, or Copies thereof, and the numbering, entering, and searching of the same, shall extend and be applicable to all Pleas of Confession, and Cognovits actionem, and all Acknowledgments and Consents for Judgment, and Copies thereof respectively, in any Suit in any of the

Warrants of Attorney, &c.

Superior Courts of Law in *Ireland*, and to the numbering, entering, and searching for the same; and if at any Time after Twenty-one Days next after the Execution or signing of any Plea of Confession, Cognovit actionem, Acknowledgment or Consent for Judgment, a Petition of Bankruptcy shall be filed by or against the Person, who, by himself or his Attorney, shall have given such Plea, Cognovit, Acknowledgment, or Consent for Judgment under which he shall be found and declared a Bankrupt, or if at any Time after the said Period of Twenty-one Days a Petition of Insolvency shall be filed by or against such Person, and an Order made thereon, that such Insolvent should file his Schedule or be brought up to be dealt with under this Act, then unless such Plea, Cognovit, Acknowledgment or Consent for Judgment, shall, within Twenty-one Days from the Execution or signing thereof, have been filed, pursuant to the Provisions of the same Act, or unless, within the same Period, Judgment shall have been entered thereon, and registered according to the Provisions of the Act of the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Ninety, such Plea of Confession, Cognovit, Acknowledgment, or Consent for Judgment, and the Judgment and Execution thereon, shall be deemed fraudulent and void against the Assignees in Bankruptcy or Insolvency, and such Assignees shall be entitled to recover, for the Benefit of his Estate, all Monies levied or Effects seized by virtue of any Execution on such Judgment.

Judgments not registered within Twenty-one Days of entering to be void.

CCCXXXVI. If at any Time after Twenty-one Days from the entering or signing of any Judgment whatsoever in any of the said Superior Courts (save and except Judgments entered upon or by virtue of Warrants of Attorney, Pleas of Confession, or Consents for Judgments, duly filed under the Provisions of this Act, or of the herein-before mentioned Act of the Third and Fourth Years of the Reign of Her present Majesty, Chapter One hundred and five,) a Petition of Bankruptcy shall be filed against or by the Person against whom such Judgment shall be entered or obtained, under which he shall be duly found and declared a Bankrupt, or if at any Time after said Period of Twenty-one Days a Petition of Insolvency shall be presented by or against such Person, then and in such Case, unless such Judgment shall have been duly registered, within Twenty-one Days from the entering or signing thereof, in the said Office of the Registrar of Judgments, such Judgment and any Execution thereon shall be deemed fraudulent and void against the Assignees under such Commission or Petition, and such Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Bankrupt or Insolvent, all and every the Monies levied or Effects seized under and by virtue of such Judgment and Execution.

CCCXXXVII. There

Warrants of Attorney, &c.

Fee for Search.

CCCXXXVII. There shall be payable to the Masters of the said Superior Courts a Fee of One Shilling, and no more, for each Search in respect of such Warrants of Attorney, Pleas of Confession, Cognovits, Acknowledgments, and Consents, whether some only or all of the Books shall be searched, and whether the Search shall be against One or more Persons.

Voluntary Preference fraudulent and void as against Assignees.

CCCXXXVIII. If any such Prisoner shall, before or after his or her Imprisonment, being in insolvent Circumstances, voluntarily convey, assign, transfer, charge, deliver or make over any Estate, Real or Personal, Security for Money, Bond, Bill, Note, Money, Property, Goods, or Effects whatsoever to any Creditor, or to any Person or Persons in trust for or to or for the Use, Benefit, or Advantage of any Creditor, every such Transaction shall be fraudulent and void as against the Assignees of such Prisoner under this Act: Provided always, that no such Transaction shall be so deemed fraudulent and void unless made by such Prisoner within Three Months before the Commencement of his Imprisonment, or with the View or Intention of petitioning the Court for his Discharge from Custody under this Act.

Warrant of Attorney and Cognovit actionem not to be acted upon against Goods of Insolvent after his Imprisonment.

CCCXXXIX. In all Cases where a Petition of Insolvency shall have been filed by or against any Prisoner, in case the said Prisoner shall have executed any Warrant of Attorney to confess Judgment, or shall have given any Cognovit actionem or Bill of Sale, whether for a valuable Consideration or otherwise, no Person shall, after the Commencement of the Imprisonment of such Prisoner, avail himself or herself of any Execution issued or to be issued upon any Judgment obtained or to be obtained upon such Warrant of Attorney or Cognovit actionem, or of such Bill of Sale, either by Seizure and Sale of the Property of such Prisoner or any Part thereof, or by Sale of such Property theretofore seized, or any Part thereof, but any Person to whom any Sum or Sums of Money shall be due in respect of any such Warrant of Attorney or Cognovit actionem, or of such Bill of Sale, shall and may be a Creditor or Creditors for the same under this Act.

Estates Tail.

Clauses in 4 & 5 W. 4. c. 92. with respect to the Disposition of Estates Tail under Bankruptcies, extended to Proceedings under this Act.

CCCXL. 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 Substitution of more simple Modes of Assurance in* Ireland, as are numbered respectively in the Copies of that Act printed by Her Majesty's Printers Forty-eight, Forty-nine, Fifty, Fifty-one, Fifty-two, Fifty-three, Fifty-four, Fifty-five, Fifty-six, Fifty-seven, Fifty-eight, Fifty-nine, Sixty, and Sixty-one, shall extend and apply to Proceedings

ings in Bankruptcy under a Petition of Bankruptcy, and to Proceedings in Insolvency under a Petition of Insolvency, as fully and effectually as if those Clauses were re-enacted in this Act.

Copyholds.

Court may make Sale of Copyhold Lands for the Benefit of Creditors.

CCCXLI. The Court shall have Power to sell, and by Deed indented, enrolled in the Courts of the Manor whereof the Lands respectively may be holden, to convey for the Benefit of the Creditors, any Copyhold or Customaryhold Lands in *England*, *Ireland*, or elsewhere, or any Interest to which any Bankrupt or Insolvent is entitled therein, and thereby to entitle or authorize any Person to surrender the same for the Purpose of any Purchaser being admitted thereto.

Vendees of Copyhold Lands shall compound with the Lord for their Fines.

CCCXLII. Every Person to whom any such Conveyance of Copyhold or Customary Lands or Tenements, or of any such Interest therein, shall be made, shall, before he enter into or take any Profit of the same, agree and compound with the Lords of the Manors of whom the same shall be holden for such Fines, Dues, and other Services as theretofore have been usually paid for the same, and thereupon the said Lords shall, at the next or any subsequent Court to be holden for the said Manors, grant unto such Vendee, upon Request, the said Copy or Customary Lands or Tenements for such Estate or Interest as shall have been so conveyed to him as aforesaid, reserving the ancient Rents, Customs, and Services, and shall admit him Tenant of the same.

Arrangements under the Control of the Court.

Any Trader unable to fulfil his Engagements with his Creditors may petition the Court for Protection.

CCCXLIII. Any such Trader unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them, under the Control of the Court, and of submitting himself to the Jurisdiction of the Court in manner herein-after mentioned, may present a Petition to the Court setting forth the true Cause of such Inability, and praying that his Person and Property may be protected from Process until further Order; and the Court on such Petition shall have Power to grant such Protection, and may renew the same from Time to Time as it shall think fit, and if the Petitioner be in Prison or Custody for Debt may, except in the Cases next herein-after mentioned, order his Release, either absolutely or on Condition, and may take Bail for his Attendance at the several Sittings of the Court herein-after mentioned: Provided always, that the Court shall not order such Release where it shall appear that the Petitioner is in Prison or in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him for any Offence, or for any Debt contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws, or in any Action for Breach of Promise

Arrangements under the Control of the Court.

Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, or other malicious Proceeding: Provided also, that such Release shall in nowise affect any Rights of the Creditor against such Petitioner, except the Right of detaining him in Prison whilst protected from Imprisonment by Order of the Court: Every such Petition may be in the Form contained in the Schedule (T.) to this Act annexed or to the like Effect, and shall be filed in the Court, with an Affidavit in the Form contained in Schedule (M.) to this Act annexed or to the like Effect.

Petition to be supported by Affidavit.

Court to appoint private Sitting, and Estate to be possessed by Official Assignee.

CCCXLIV. Forthwith after the granting of any Order for Protection, the Court shall appoint a private Sitting to be held at such Time as it may name, and upon sufficient Cause shown may, if it shall think fit, direct that the Estate and Effects of the Petitioner or any Part thereof shall be possessed and received by the Official Assignees or be taken possession of by the Messenger of the Court, and that all Stock, Monies, and other Effects of the Petitioner shall be transferred, delivered, and paid by the Official Assignees into the Bank of *Ireland* to the Credit of such Official Assignees, to be subject to the like Rules and Regulations as in Bankruptcy; and the Court shall have Power to examine on Oath such Petitioner or any Witness produced by him, or any Creditor or Person claiming to be a Creditor of such Petitioner, and to adjourn such private Sitting from Time to Time as it shall think fit; and Notice of such private Sitting shall be given to the Creditors at such Time and in such Manner as the Court shall by any General or Special Order direct.

Petitioning Trader to file Account Ten Days before the Day appointed for private Sitting.

CCCXLV. Such Petitioning Trader shall, Ten Days before the Date appointed for the private Sitting, file in the Court, and in such Form as may by any Order to be made in pursuance of this Act be directed, a full Account of his Debts, and the Consideration thereof, and the Names, Residences, and Occupations of his Creditors, and also a full Account of his Estate and Effects, whether in possession, reversion, or expectancy, and of all Debts and Rights due to or claimed by him, and of all Property of what kind soever held in trust for him, and shall therein set forth such Proposal as he is able to make for the future Payment or the Compromise of such Debts or Engagements, and shall furnish the Official Assignees with a Copy of such Account.

At First Sitting Creditors to prove their Debts, and if Three Fifths in Number and Value of those who have proved Debts to the Amount of 10*l.*

CCCXLVI. At such private Sitting, or at any Adjournment thereof, the Creditors shall prove their Debts, such Proofs to be in all respects as Proofs in Bankruptcy; and the Petitioning Trader shall attend and make Oath of the Truth of the Account filed by him, and may be examined thereon; and if at such Sitting or at any Adjournment thereof

and upwards assent to Proposal, Sitting for Confirmation to be appointed.

thereof Three Fifths in Number and Value of the Creditors who have proved Debts to the Amount of Ten Pounds shall assent to the Proposal of such Petitioner or to any Modification thereof, the Court shall appoint another private Sitting for the Confirmation of such Proposal or modified Proposal; and such Second Sitting shall be held not earlier than Fourteen Days from the First Sitting, and Notice thereof in Writing shall be given to every Creditor who was not present by himself or his appointed Agent at such First Sitting, at such Time and in such Manner as the Court shall, by any General or Special Order, direct.

If at Second Sitting Three Fifths in Number and Value of the Creditors who have proved Debts to the amount of 10*l.* and upwards agree to accept, Resolution to be binding on all, and Court may approve and confirm the same.

CCCXLVII. At such Second Sitting, or at any Adjournment thereof, the Creditors may also prove their Debts; and if Three Fifths in Number and Value of those who have proved Debts to the Amount of Ten Pounds shall agree to accept such Proposal as was assented to at the First Sitting, the Terms thereof shall be reduced into Writing, and the Creditors shall sign the same; and such Resolution or Agreement, subject to such Confirmation as herein-after mentioned, shall thenceforth be binding and of full Force as well against such Petitioning Trader as against all Persons who were Creditors at the Date of his Petition, and who had Notice of the said several Sittings; and the Court, after hearing such Creditors, by themselves, their Counsel or Attornies, as may desire to be heard, either for or against such Resolution or Agreement, may approve and confirm the same, and cause it to be filed and entered of Record, and grant to the Petitioner a Certificate thereof, and may from Time to Time endorse on such Certificate a Protection from Arrest, and such Petitioner shall be free from Arrest at the Suit of any Person being a Creditor at the Date of his Petition, and having had such several Notice or Notices as aforesaid; and any Officer arresting such Petitioner at the Suit of any such Creditor, and on Sight of such Certificate and Protection not releasing such Petitioner, shall be liable to such Penalty as is provided respecting Bankrupts in the like Case.

Agent of Creditor may vote.

CCCXLVIII. Any Person duly authorized by Writing under the Hand of any Creditor who has proved a Debt to the Amount of Ten Pounds and upwards shall be entitled to vote on the Question of Assent or Dissent to the Proposal of such Petitioning Trader.

Estate to vest in Official Assignee either alone or (if required by Resolution) jointly with any other Person.

CCCXLIX. From and after the Date of the Approval and Confirmation of such Resolution or Agreement, all the Estate and Effects of such Petitioning Trader shall vest in the Official Assignees (if such shall be required by virtue of such Resolution, and either alone or jointly with any Person or Persons, as may be expressed in such Resolution),

Resolution), as fully as if such Official Assignees and other Parties were Assignees under any Bankruptcy.

Arrangements under the Control of the Court.

Official Assignee to file Account every Six Months.

CCCL. The Official Assignees shall once at least in every Six Months, or oftener if the Court shall require it, produce to the Court, on Oath, a full and true Account of all Monies, Property, and Effects of such Petitioning Trader which have come to their Hands, and of the Disposal thereof; and the Court shall examine the same, and shall certify the Result of such Examination, and if need be order Payment to the Creditors of such Petitioner according to the Terms of the Resolution or Agreement, and may in such Account make all just Allowances, and may order Payment to the Official Assignee of such Sum as a Remuneration for his Services as shall appear just and reasonable.

If any Difficulty arise in the Execution of Resolution, &c., a special Sitting may be held.

CCCLI. In case any Difficulty shall arise in the Execution of the said Resolution or Agreement, it shall be lawful for the Court to cause a special Sitting of the Court to be held; and the Resolution of the Majority in Number and Value of the Creditors at such Sitting who have proved Debts to the Amount of Ten Pounds, to confirm, alter, or annul the whole or any Part of such Resolution or Agreement, shall be as valid as if it had been Part of the original Resolution or Agreement: Provided, however, that if One Third in Number and Value of the Creditors of such Petitioning Trader do not attend such Sitting the Resolution thereof shall not be valid, unless the same is approved and confirmed by the Court.

When Resolution or Agreement has been carried into effect, Court to give Petitioning Debtor a Certificate thereof, and such Certificate to operate as a Certificate of Conformity.

CCCLII. So soon as the said Resolution or Agreement shall have been carried into effect, and the Creditors of such Petitioning Trader shall have been satisfied according to the Tenor thereof, the Court shall give to such Petitioner a Certificate under Seal of the Court, in the Form contained in the Schedule (U.) to this Act annexed or to the like Effect, and such Certificate shall thenceforth operate to all Intents and Purposes as fully as if the same were a Certificate of Conformity under a Bankruptcy.

If Petitioning Debtor do not attend Sittings of the Court, or if he do not file Account, &c., Petition to be dismissed; and if at First Sitting Proposal be not assented to, or if Debts contracted by Frauds, &c., or if Petitioning Debtor has not

CCCLIII. If such Petitioning Trader shall not duly attend the Sittings of the Court, or if he shall not file his Account in manner aforesaid within such extended Time as may be allowed him by the Court for such Purpose, or if he shall fail to obey any Order of the Court which may be made in the Matter of his Petition, such Petition may be dismissed; and if at the First private Sitting of the Court or at any Adjournment thereof the Proposal of the Petitioner or some Modification thereof be not assented to, or if at any Time after the filing of any Petition for Protection, if it shall be shown that the

made true Discovery, &c., Court may adjudge him bankrupt, and adjourn the Proceedings into the public Court, &c.

the Affidavit filed with his Petition was wilfully untrue so far as concerned the Assets ready to be produced by him, or that he has not made a full Disclosure of his Debts and Credits, Estate and Effects, and is not desirous of making a *bonâ fide* Arrangement with all his Creditors, or that his Proposal to that Effect is not reasonable and proper to be executed under the Direction of the Court, or if within Three Months of the Time of presenting his Petition he shall have assigned, transferred, or made away with any Portion of his Estate or Effects otherwise than in due Course, or shall have voluntarily done or suffered any Act whereby his Goods shall have been taken in Execution, it shall be lawful for the Court to adjudge such Petitioner a Bankrupt, and to adjourn all further Proceedings in the Matter into the public Court, and to advertise such Adjudication, and appoint Sittings for Choice of Assignees and for last Examination as in Bankruptcy; and such Petitioner shall thenceforth be amenable to the Jurisdiction of the Court in the same Manner as any other Bankrupt, and any Proposal which may have been made or assented to or confirmed shall be wholly and altogether void; and the Court shall have Power at any Time, on the Application of any Creditor, to appoint a private Sitting for the Purpose of Inquiry, and may summon before it such Petitioning Trader or any other Person, and examine him upon Oath touching such Matters; and every such Summons and Examination shall be enforced in such Manner as Summonses and Examinations are enforced in Matters of Bankruptcy.

Private Sittings.

CCCLIV. The Court may, if it think fit, from Time to Time direct that any Sitting of the Court or Proceeding in any Matter under this Act shall be private, and that any Part of the Proceedings shall not be open to Inspection without Special Order.

Questions of Law raised by Consent.

CCCLV. In any Bankruptcy or Insolvency, the Parties concerned or submitting to the Jurisdiction may, at any Stage of the Proceedings, by Consent, state any Question or Questions in a Special Case for the Opinion of the Court.

Payment of Money by Party on Judgment being given.

CCCLVI. The Parties may, if they think fit, agree that, upon the Judgment of the Court being given in the Affirmative or Negative of the Question or Questions raised by such Special Case, a Sum of Money, fixed by the Parties, or to be ascertained by the Court or in such Manner as the Court may direct, shall be paid by one of such Parties to the other of them, either with or without Costs.

CCCLVII. The

Evidence.

Officer of Court to produce Proceedings, and give Copies thereof.

CCCLVII. The proper Officer of the Court shall, unless the Court shall otherwise direct, on the reasonable Request of any Bankrupt, Insolvent, or arranging Debtor, or of any Creditor of such Bankrupt or Insolvent having proved his Debt, or of any arranging Debtor when the Debt of the arranging Creditor has been admitted in the Petition or proved, or on the like Request of the Attorney of any such Bankrupt, Insolvent, Debtor, or Creditor, produce and show to such Bankrupt, Insolvent, Debtor, Creditor, or Attorney, at such Times as the Court shall direct, every Commission, Petition, Adjudication, and Petition for Arrangement against or by such Bankrupt or Insolvent, and all Orders and Proceedings under any such Commission, Petition, or Adjudication; and the Court may, if it think fit, order the Official Assignee or Officer of the Court, as the Case may be, to permit such Bankrupt, Insolvent, Debtor, Creditor, or Attorney to have Inspection at all reasonable Times of all Books, Papers, and Writings relating to the Matters of such Commission, Petition, or Adjudication, and the Estate of the Bankrupt, Insolvent, or Debtor, in the Possession of the Assignees, or filed in Court in such Matter, and permit him to inspect and examine the same; and such Official Assignee or such Officer shall, subject to the Order and Direction of the Court, provide, for any such Bankrupt, Insolvent, Debtor, Creditor, or Attorney requiring the same, any Office Copy of such Commission, Petition, or other Proceedings, Books, Papers, and Writings as aforesaid, or of such Part thereof as shall be required, and shall be entitled to receive, for providing and attesting such Copy, Three Halfpence for every Sheet therein, the said Sheets to contain Seventy-two Words and no more.

If Bankrupt do not dispute the Adjudication, the Gazette to be conclusive Evidence of the Bankruptcy as against the Bankrupt and against Persons whom the Bankrupt might have sued.

CCCLVIII. If the Bankrupt shall not (if he were within the United Kingdom at the Date of the Adjudication) within One Month after the Advertisement of the Bankruptcy in the "*Dublin Gazette*," or (if he were in any other Part of *Europe* at the Date of the Adjudication) within Three Months after such Advertisement, or (if he were elsewhere at the Date of the Adjudication) within Twelve Months after such Advertisement, have commenced a Suit to dismiss the Petition or to dispute or annul the Adjudication, and shall not have prosecuted the same with due Diligence and with Effect, the "Gazette" containing such Advertisement shall be conclusive Evidence in all Cases as against such Bankrupt, and in all Suits brought by the Assignees for any Debt or Demand for which such Bankrupt might have sustained any Suit, that such Person so adjudged bankrupt became a Bankrupt before the Date and filing of the Petition for Adjudication.

Evidence.

In certain Actions by or against any Person acting under the Bankruptcy, no Proof required at the Trial of Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, unless Notice be given that those Matters are to be disputed.

CCCLIX. In any Action at the Suit of or against the Assignees in Bankruptcy, or against any Person acting under the Warrant of the Court, for anything done under such Warrant, no Proof shall be required at the Trial of the Petitioning Creditor's Debt, or of the Trading, or Act of Bankruptcy respectively, unless the other Party in such Action shall, if Defendant at or before pleading, and if Plaintiff before or with Notice of Trial, give Notice in Writing to such Assignees or other Person that he intends to dispute some and which of such Matters; and in case such Notice shall have been given, if such Assignees or other Person shall prove the Matter so disputed, or the other Party admit the same, the Judge before whom the Cause shall be tried may (if he think fit) grant a Certificate of such Proof or Admission; and such Assignees or other Person shall be entitled to the Costs occasioned by such Notice.

The same in Suits in Equity.

CCCLX. In all Suits in Equity, whether at the Suit of or against the Assignees in Bankruptcy, no Proof shall be required at the Hearing of the Petitioning Creditor's Debt, or of the Trading or Act of Bankruptcy respectively, as against any of the Parties in such Suit, except such Parties as shall within Ten Days after the Commencement of the Suit give Notice in Writing to the Assignees of their Intention to dispute some and which of such Matters; and where such Notice shall have been given, if the Assignees shall prove the Matter so disputed, the Costs occasioned by such Notice shall, if the Court see fit, be paid by the Parties so giving such Notice.

Proceedings purporting to be sealed with the Seal of the Court receivable in Evidence.

CCCLXI. Every Petition of Bankruptcy, Petition of Insolvency, Schedule, Adjudication, Petition for Arrangement between a Debtor and his Creditors, Appointment of Assignees, Certificate, Deposition, Order, Document, or other Proceeding in Bankruptcy or Insolvency, or under any such Petition for Arrangement, appearing to be sealed with the Seal of the Court, or any Writing purporting to be a Copy of any such Document, and purporting to be so sealed, shall at all Times, and on behalf of all Persons, and whether for the Purposes of this Act or otherwise, be admitted in all Courts whatever as Evidence of such Documents respectively, and of such Proceedings and Orders having respectively taken place or been made, without any further Proof thereof: Provided always, that all Commissions of Bankrupt, Depositions, and other Proceedings under the same, which may have been entered of Record before the Commencement of this Act, and having the Certificate of Entry thereon, purporting to be signed by the Person appointed to enter the same by the Act of the *Irish* Parliament, Eleventh and Twelfth *George* the Third, Chapter Eight, and the Act Sixth and Seventh *William* the Fourth, Chapter Fourteen, or his Deputy,

Commissions of Bankrupt, &c. entered of Record under 11 & 12 G. 3. c. 8. (I.), 6 & 7 W. 4. c. 14. to be received as Evidence of the same.

Deputy, shall, without Proof of the Appointment or Handwriting of such Person, be received as Evidence of the same, and of the same having been duly entered of Record, and of such Proceedings having respectively taken place. *Evidence.*

CCCLXII. All Courts, Judges, Justices, and Persons judicially acting, and other Officers, shall take judicial Notice of the Signature of any Judge or Registrar or Chief Clerk of the Court, and of the Seal of the Court, subscribed or attached to any judicial or official Proceeding or Document, to be made or signed under the Provisions of this Act. Judicial Notice to be taken of Signature of Judge or Registrar, and of the Seal of the Court.

CCCLXIII. A Copy of a Declaration of Insolvency under this Act, purporting to be under the Seal of the Court, and to be certified by a Registrar of the Court as a true Copy, shall be received as Evidence of such Declaration, and of the same having been filed. Evidence of Declaration of Insolvency.

CCCLXIV. A Copy of the *Dublin Gazette*, and of any Newspaper containing any such Advertisement as is by this Act directed or authorized to be made therein respectively, shall be Evidence of any Matter therein contained, and of which Notice is by this Act directed or authorized to be given by such Advertisement. Advertisements, when Evidence.

CCCLXV. In the event of the Death of any Witness deposing to the Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, under any Bankruptcy heretofore or hereafter, or under any Petition for Arrangement, the Deposition of any such deceased Witness, purporting to be sealed with the Seal of the Court, or a Copy thereof, purporting to be so sealed, shall in all Cases be received as Evidence of the Matters therein respectively contained. On Death of Witness, Office Deposition or Copy thereof to be Evidence.

CCCLXVI. All Affidavits to be made or used in any Matter or Proceeding under this Act shall and may be sworn before the Court, or any Judge or Registrar thereof, or the Chief Clerk in Insolvency, or before a Master Extraordinary of the High Court of Chancery in *Ireland*, or before the Clerk of Affidavits, or any other Officer of the High Court of Chancery in *Ireland* authorized to take Affidavits, or any Justice of the Peace within his County, or, in *England* or *Scotland*, either before any Commissioner or other Person appointed by the Court of Chancery in *Ireland* for taking Affidavits, or having Authority to take Affidavits for the said Court, or before a Magistrate of the County, City, Town, or Place where any such Affidavit shall be sworn, or elsewhere before a Magistrate, and attested by a Notary, or before a *British* Minister, Consul, or Vice-Consul; and every such Officer Before whom Affidavits are to be sworn.

Evidence.

Officer or other Person is hereby authorized and required to administer the Oath upon any such Affidavit.

Affidavits may be sworn in Prison before Visiting Justice or Keeper of Prison.

CCCLXVII. Any Affidavit of any Prisoner in any of Her Majesty's Prisons or Gaols in *Ireland*, *England*, or *Scotland*, to be used in any Matter under this Act, may be sworn before the Visiting or other Justice, or before the principal Keeper or Gaoler of such Prisons or Gaols; and every such Keeper or Gaoler is hereby authorized and required to administer the Oath upon any such Affidavit.

No Fees payable for swearing Affidavits.

CCCLXVIII. No Fee or Reward whatever shall be taken or received by any Court or Magistrate, or any Inspector, Keeper, or Governor of any Gaol, for or in respect of the swearing of any Affidavit according to this Act.

Evidence may be taken vivâ voce or upon Affidavit.

CCCLXIX. The Lord Chancellor or the Court may, in all Matters within their respective Jurisdictions, take the whole or any Part of the Evidence either *vivâ voce* on Oath, or by Interrogatories in Writing, or upon Affidavit.

Examination of Witnesses at a Distance from Dublin in certain Cases.

CCCLXX. For the Purpose of facilitating the Examination of Witnesses at a Distance from *Dublin*, it shall be lawful for the Court, either before or after Adjudication, on the Application of any Person interested in the Estate of the Bankrupt or alleged Bankrupt, or liable to be examined with reference thereto, or of its own Discretion, to direct that an oral Examination of Witnesses shall be held at any Place in the United Kingdom of *Great Britain* and *Ireland*, not being distant from the Court of Bankruptcy less than Twenty Miles, subject to the following Provisions:

First. The Direction shall be given by an Order under the Hand of a Judge and Seal of the Court:

Second. The Order shall specify where and when and before whom the Examination is to be held, and the Matters upon which Evidence is to be taken, and what Parties are to be entitled to attend such Examination:

Third. The Examiner to be named in the Order shall be either such Person as the Parties appearing before the Court on the Application for such Examination shall with the Approbation of the Court appoint, or such Person being a practising Barrister or Solicitor, and resident near the Place of Examination, as the Court shall appoint:

Fourth. Every Person who shall be appointed to be such Examiner shall, before entering on his Office, take the following Oath before a Notary Public or a Master Extraordinary of the High Court of Chancery in *Ireland*, or before a Commissioner appointed

Evidence.

pointed to administer Oaths in the High Court of Chancery in *England:*

In the Matter of *A.B.*, a Bankrupt [*or* alleged Bankrupt].

'You shall, according to the best of your Skill and Know-'ledge, truly, faithfully, and without Partiality to any or either 'of the Parties in this Matter, take the Examinations and 'Depositions of all and every Witness and Witnesses produced 'and examined by virtue of the Order of the Court of Bank-'ruptcy and Insolvency herein dated the Day '18 , and duly and faithfully transmit 'such Depositions, when completed, to the said Court.

'So help you GOD:'

Fifth. The Witnesses to be examined shall be summoned, and may be required to produce Books, Papers, Deeds, Writings, and other Documents in the same Manner as Witnesses to be examined before the Court, and the Examiner shall have Power to administer an Oath to every Witness:

Sixth. The Examination shall take place in the Presence of the Parties, their Counsel, Solicitors, or Agents; and the Witnesses shall be examined orally, and shall be subject to Cross-examination and Re-examination:

Seventh. The Depositions taken upon such Examination shall be taken down in Writing by the Examiner, not ordinarily by Question and Answer, but in the Form of a Narrative, and when completed shall be read over to the Witness, and signed by him in the Presence of the Parties:

Eighth. In case the Witness shall refuse to sign the Depositions then the Examiner shall sign the same, and such Examiner may upon all Examinations state any special Matter to the Court as he shall think fit; provided also, that it shall be in the Discretion of the Examiner to put down any particular Question or Answer, if there should appear any special Reason for doing so; and any Question or Questions which may be objected to shall be noticed or referred to by the Examiner in or upon the Depositions, and he shall state his Opinion thereon to the Counsel, Solicitors, or Parties, and shall refer to such Statement on the Face of the Depositions; but he shall not have Power to decide upon the Materiality or Relevancy of any Question or Questions; and the Court shall have Power to deal with the Costs of immaterial or irrelevant Depositions as may be just:

Ninth. When the Examination of Witnesses before the Examiner shall have been concluded, the original Depositions, authenticated by the Signature of such Examiner, shall be transmitted by him to the Court, to be there filed:

Tenth. In case it shall become necessary or expedient, for the Purposes of any such Examination, that the Books, Papers, or

Evidence.

other Documents in the Custody of the Court relating to the Estate or Dealings of any Bankrupt should be transmitted to the Examiner so to be appointed as aforesaid, it shall be lawful for the Court to direct the whole or any Part of such Books, Papers, or Documents to be so transmitted to him, either through the Post or in any other Way which the Court shall direct, and the same shall remain in his Custody during the Continuance of such Examination, and on the Conclusion thereof shall be returned and transmitted to the Court in like Manner and along with the Depositions:

Eleventh. The Court in granting an Application for an Examination in the Country may impose such Terms as to Costs or otherwise as it shall think fit, and it shall also be lawful for the Court to order the Payment of the Costs of and incident to any such Examination, or any Part thereof, to be borne either by the Estate of the Bankrupt or otherwise by such Parties and in such Manner as it may think fit; provided always, that the Amount to be allowed to any Examiner specially appointed as aforesaid in respect of his Attendance at any such Examination shall be regulated in such Manner as shall be prescribed by any Order of the Lord Chancellor in that Behalf.

Forms of Rules and Proceedings of the Court.

CCCLXXI. All Rules, Orders, Warrants, and other Proceedings of the Court may be in such Form and contain such Particulars as the Court shall by any General Orders to be made from Time to Time direct, and the same shall not be invalidated by reason of any Want of Form or Omission therein, if such Want of Form or Omission shall not, in the Opinion of the Court before whom the same shall be brought, be calculated to mislead or prejudicially to affect any Party to be affected thereby.

Solicitors.

Every Attorney or Solicitor of the Superior Courts may practise in the Court.

CCCLXXII. Every Attorney or Solicitor of any of the Superior Courts of Law or Equity in *Dublin* may appear, act in, and plead any Proceeding in the Court of Bankruptcy and Insolvency, without being required to employ Counsel; and in case any Person, not being such Attorney or Solicitor, shall practise in the Court as such, he shall be deemed guilty of a Contempt of Court, and be liable to all the Penalties incident thereto; and all Laws now in force concerning Attornies and Solicitors shall extend, so far as the same may be applicable, to Attornies and Solicitors practising before the Court as aforesaid.

Misconduct of Attorney or Solicitor.

CCCLXXIII. If any Attorney or Solicitor shall be guilty of any Misconduct, the Court may suspend or discontinue altogether his Right to practise in the Court.

CCCLXXIV. The

The Provisions and Powers given to Lord Chancellor, &c. in Bankruptcy under 3 & 4 Vict. c. 105. s. 27. to be applicable to this Act.

CCCLXXIV. The Provisions in an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her Majesty, Chapter 105, so far as the same relate to Orders of the Lord Chancellor, or of the Court of Commissioners of Bankruptcy, therein referred to, in Matters of Bankruptcy, and the Powers given by the same Act to the Lord Chancellor, and the Master of the Rolls, and the Court of Commissioners of Bankruptcy, in Matters of Bankruptcy, shall extend to and be applicable to Orders of the Lord Chancellor, and of the Court, in Matters of Bankruptcy or Insolvency under this Act.

Costs.

Court may in all Cases award Costs.

CCCLXXV. The Court may in all Matters before it order such Costs as to such Court shall seem fit and just to be paid by any of the Parties, and may order that a Sum certain shall be paid as the full Amount of the Costs, without Taxation.

Offences against the Law of Bankruptcy, and Insolvency.

Bankrupt or Insolvent, not delivering up Books, &c., or removing, concealing, or embezzling Estate;

CCCLXXVI. If any Person adjudged bankrupt shall not upon the Day limited for his Surrender, and before Three of the Clock of such Day, or at the Hour and upon the Day allowed him for finishing his Examination, after Notice thereof in Writing, to be served upon him personally, or left at his usual or last known Place of Abode or Business, or personal Notice in case such Person be then in Prison, and Notice given in the *Dublin Gazette* of the Adjudication and of the Sittings of the Court, (having no lawful Impediment proved to the Satisfaction of or allowed by the Court,) surrender himself to such Court, and sign or subscribe such Surrender, or if any such Bankrupt or Insolvent upon such Examination shall not discover all his Real and Personal Estate, and how and to whom, upon what Consideration, and when he disposed of, assigned, or transferred any of such Estate, or if any such Bankrupt or Insolvent shall not deliver up to the Assignees all such Part of such Estate, and all Books, Papers, and Writings relating thereunto as shall be in his Possession, Custody, or Power, (except the necessary Wearing Apparel of himself, Wife, and Children,) or if any such Bankrupt or Insolvent shall remove, conceal, or embezzle any Part of such Estate to the Value of Ten Pounds or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud, every such Bankrupt and Insolvent shall be deemed guilty of a Misdemeanor.

Wilfully omitting anything in the Schedule;

CCCLXXVII. If any Bankrupt or Insolvent shall, with Intent to defraud, wilfully and fraudulently omit from his Schedule any Effects or Property whatsoever, or retain or except out of such Schedule, as Wearing Apparel, Bedding, Working Tools and Implements, or other Necessaries, Property of greater Value than Twenty Pounds, every such Person so offending shall be deemed guilty of a Misdemeanor.

CCCLXXVIII. If

Bankrupt or Insolvent destroying or falsifying Books, &c.;

CCCLXXVIII. If any Bankrupt shall, in contemplation of Bankruptcy, or with Intent to defeat the Object of the Law relating to Bankrupts, or if any Insolvent shall, in contemplation of Insolvency, or with Intent to defeat the Object of the Law relating to Insolvents, destroy, alter, mutilate, or falsify any of his Books, Papers, Writings, or Securities, or make or be privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud, every such Bankrupt or Insolvent shall be deemed guilty of a Misdemeanor.

Any Member of a Company, with Knowledge of or in contemplation of a Bankruptcy, destroying or falsifying Books, &c. of the Company, or making false Entries, &c.;

CCCLXXIX. If any Person, being a Member of any Joint Stock Company which shall be adjudged bankrupt, shall, after and with Knowledge of an Act of Bankruptcy within the Meaning of this Act committed by such Company, or in contemplation of the Bankruptcy of such Company, have destroyed, altered, mutilated, or falsified any of the Books, Papers, Writings, or Securities of such Company, or made or been privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud, or to defeat the Object of this Act, every such Person shall be deemed to be guilty of a Misdemeanor.

Bankrupt or Insolvent within Three Months preceding his Bankruptcy or Insolvency obtaining Goods on Credit under false Pretence of dealing in the ordinary Course of Trade;

CCCLXXX. If any Bankrupt or Insolvent shall within Three Months next preceding the filing of the Petition of Bankruptcy or Insolvency, under the false Colour and Pretence of carrying on Business and dealing in the ordinary Course of Trade, obtain on Credit from any other Person any Goods or Chattels with Intent to defraud, or if any such Bankrupt or Insolvent shall, within such Time and with such Intent, dispose of any of his Goods or Chattels otherwise than by *bonâ fide* Sales in the ordinary Way of his Trade, every such Bankrupt or Insolvent shall be deemed guilty of a Misdemeanor.

Bankrupt or Insolvent within Three Months preceding his Bankruptcy or Insolvency committing any Fraud on his Creditors, &c. guilty of Misdemeanors.

CCCLXXXI. If any Bankrupt or Insolvent shall within Three Months next preceding the filing of the Petition of Bankruptcy or Insolvency wilfully and knowingly commit any Fraud on his Creditors, or do any Act, or make any false Representation knowing it to be false, with Intent to defraud his Creditors, every such Bankrupt or Insolvent shall be guilty of a Misdemeanor.

Persons convicted of Misdemeanor to be liable to Imprisonment.

CCCLXXXII. Every Person convicted of a Misdemeanor under this Act shall be liable to Imprisonment for any Term not exceeding Two Years, with or without Hard Labour.

False Evidence deemed wilful and corrupt Perjury.

CCCLXXXIII. Any Person who shall upon any Examination upon Oath or Affirmation, or in any Affidavit or Deposition or Affirmation, wilfully and corruptly give false Evidence, or wilfully and corruptly swear

swear or affirm anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

Court may direct Prosecution.

CCCLXXXIV. If any Bankrupt or Insolvent shall be suspected of or charged with the Commission of any of the Offences herein-before specified, the Court may direct the Assignees to institute and carry on a Prosecution of such Bankrupt or Insolvent for such Offence, and to order that the Costs and Expenses to be incurred in such Prosecution shall be paid out of the Estate and Effects of such Bankrupt or Insolvent, and such Assignees shall thereupon institute and carry on such Prosecution accordingly.

Any Person refusing to be sworn, or refusing to answer, or not fully answering, or refusing to sign Examination, or to produce Books, &c., may be committed.

CCCLXXXV. If any Person shall refuse to be sworn, or shall refuse to answer any lawful Question put by the Court, or shall not fully answer any such Question to the Satisfaction of the Court, or shall refuse to sign and subscribe his Examination when reduced into Writing (not having any lawful Objection allowed by the Court), or shall not produce any Books, Papers, Deeds, and Writings, or other Documents in his Custody or Power relating to any of the Matters under Inquiry which such Person is required by the Court to produce, and to the Production of which he shall not state any Objection allowed by the Court, it shall be lawful for the Court by Warrant to commit such Person to such Prison as such Court shall think fit, there to remain without Bail until he or she shall submit himself or herself to such Court to be sworn, and full Answers make to the Satisfaction of such Court to all such lawful Questions as shall be put, and sign and subscribe such Examination, and produce such Books, Papers, Deeds, Writings, and other Documents in his Custody or Power.

Warrant of Committal for unsatisfactory answering, or refusing to answer, need not specify Questions.

CCCLXXXVI. In any Warrant of Committal of any Person by the Court for refusing to answer any Question, or for not fully answering to the Satisfaction of the Court, or for refusing to subscribe his Examination, it shall not be necessary to set forth or specify any such Questions, nor any Part of the Examination of the Person so committed, but it shall be sufficient to refer in the said Warrant to the Examination or Deposition of the Person as remaining on the File of Proceedings, and to specify in the said Warrant the precise Date of the Examination or Deposition so referred to; provided, however, that in every Case in which any Person shall be so committed for refusing to answer or for not fully answering any Question put to him, every such Question shall be specified in the Examination or Deposition of the Person committed remaining on the File of Proceedings, and so referred to as aforesaid; and provided also, that a Copy of

Copy of the Examination to be furnished to the Person committed.

the said Examination or Deposition so referred to shall be delivered personally to the Person committed within Twenty-four Hours next after his actual Committal to Prison; and in default of the said Copy being delivered the Person committed shall be discharged from Custody, either by the Court, or by the Judge before whom such Person may be brought by Habeas corpus, with such Costs, if any, as the said Court or Judge may deem just; and, save as herein above provided, no Person shall be discharged from such Custody for mere Matter of Form, but upon the Merits only.

Form of Warrant.

CCCLXXXVII. Every Warrant for unsatisfactory answering may be in the Form or to the Effect in Schedule (V.) to this Act annexed, or to the like Effect; and every Warrant for refusing to answer, or for being guilty of any Riot or Disturbance in the Court, or for interrupting the Court in the Exercise of its Duty, may be respectively in the Forms or to the Effect in Schedules (W.) and (X.) respectively, or to the like Effect.

On Habeas corpus, Judge or Court may inspect the whole Examination.

CCCLXXXVIII. If any Person so committed for unsatisfactory answering shall sue forth any Writ of Habeas corpus in order to be discharged from such Commitment, it shall be lawful for the Court or Judge before whom such Person shall be brought to inspect and consider the whole of the Examination or Deposition of such Person so referred to as aforesaid; and if it shall appear from the whole Examination that the Answer or Answers of the Person committed is or are satisfactory, such Court or Judge shall and may order the Person so committed to be discharged.

Obstructing the Messenger, &c. a Misdemeanor.

CCCLXXXIX. If any Person shall knowingly and wilfully resist, hinder, or obstruct any Messenger of the Court in the Execution of his Duty as such Messenger, every such Person so offending shall be deemed guilty of a Misdemeanor, and, being thereof duly convicted, shall be liable to Imprisonment, with or without Hard Labour, for any Term not exceeding Six Months.

Assignee disobeying Direction to pay or invest Money, and retaining it, or permitting Co-assignee to retain or employ it, to be charged with 20 per Cent.

CCCXC. If any Assignee shall retain in his Hands or employ for his own Benefit, or knowingly permit any Co-assignee so to retain or employ any Sum to the Amount of more than One hundred Pounds, Part of the Estate of any Bankrupt or Insolvent, or shall neglect to invest any Money in the Purchase of Exchequer Bills or in the Public Funds, when directed by the Court, every such Assignee shall be liable to be charged in his Account with such Sum as shall be equal to Interest at the Rate of Twenty *per Centum per Annum* on all such Money for the Time during which he shall have so retained

Offences against the Law of Bankruptcy, &c.

retained or employed the same, or permitted the same to be so retained or employed, or during which he shall so have neglected to invest the same, and the Court is hereby required to charge every such Assignee in his Account accordingly.

Persons disobeying any Order of Court to be committed to Prison until they conform, or the Court or the Lord Chancellor shall otherwise order.

CCCXCI. If any Person shall disobey any Order of the Court, duly made, for enforcing any of the Purposes and Provisions of this Act, or of any other Act hereafter to be in force relating to the Subject Matters of this Act, the Court may, by Warrant in the Form contained in Schedule (Y.) to this Act annexed, or to the like Effect, commit the Person so offending to the Common Gaol of any County, City, or Place where he shall be found, or where he shall usually reside, there to remain without Bail or Mainprise until such Court or the Lord Chancellor shall make Order to the contrary.

Petitioning Creditor compounding with Trader after Bankruptcy.

CCCXCII. If any Petitioning Creditor shall after the Bankruptcy receive any Money, Satisfaction, or Security for his Debt or any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debts than the other Creditors, such Petitioning Creditor shall forfeit his whole Debt, and shall also repay or deliver up such Money, Satisfaction, or Security, or the full Value thereof, to the Assignee or Assignees of such Bankrupt, for the Benefit of the Creditors of the Bankrupt.

Concealing Bankrupt's or Insolvent's Effects.

CCCXCIII. Any Person who shall wilfully conceal any Real or Personal Estate of any Bankrupt or Insolvent, and who shall not within Forty-two Days after the filing of the Petition of Bankruptcy or Insolvency discover such Estate to the Court or to the Assignees, shall forfeit the Sum of One hundred Pounds and double the Value of the Estate so concealed.

Obtaining Money, &c. as Inducement to forbear Opposition or Consent to Certificate or Discharge.

CCCXCIV. If any Creditor of a Bankrupt or Insolvent shall obtain any Sum of Money, or any Goods, Chattels, or Security for Money, from any Person, as an Inducement for forbearing to oppose or for consenting to the Allowance of the Certificate of such Bankrupt or Discharge of such Insolvent, every such Creditor so offending shall forfeit and lose for every such Offence the Treble Value or Amount of such Money, Goods, Chattels, or Security so obtained.

Officers, &c. taking Fees improperly.

CCCXCV. If any Judge, Registrar, Clerk, Messenger, Assignee, or any other Officer or Person whatsoever, shall, for anything done or pretended to be done under this Act, or under colour of doing anything under this Act, fraudulently and wilfully demand or take, or appoint or allow any Person whatsoever to take for him or on his Account, or for or on account of any Person by him named, or in trust

Offences against the Law of Bankruptcy, &c.

trust for him, or for any other Person by him named, any Fee, Emolument, Gratuity, Sum of Money or any Thing of Value whatsoever, other than is allowed by this Act or any such other Act as aforesaid, such Person, when duly convicted thereof, shall forfeit and pay the Sum of Five hundred Pounds, and be rendered incapable and is hereby rendered incapable of holding any Office or Place under Her Majesty.

Inserting Advertisements without Authority.

CCCXCVI. Any Person who shall wilfully insert or cause to be inserted in the *Dublin Gazette*, or in any Newspaper, any Advertisement under this Act, without Authority, or knowing the same to be false in any material Particular, shall be guilty of a Misdemeanor.

Forging Signature of Judge or Officer, or the Seal of Court.

CCCXCVII. If any Person shall forge the Signature of any Judge or Registrar, or other Officer of the Court, or shall forge or counterfeit the Seal of the Court, or knowingly concur in using any such forged or counterfeit Signature or Seal, for the Purpose of authenticating any Proceeding or Document, or shall tender in Evidence any such Proceeding or Document with a false or counterfeit Signature of any such Judge, Registrar, or other Officer, or a false or counterfeit Seal of the Court subscribed or attached thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Admission in Evidence of certain official and other Documents.*

Gaoler suffering Persons committed to escape.

CCCXCVIII. If any Gaoler to whose Custody any Bankrupt, Insolvent, or other Person shall be duly committed shall refuse to receive such Bankrupt or Insolvent or other Person, or shall suffer him to escape, every such Gaoler shall forfeit Five hundred Pounds.

Application of Forfeitures.

CCCXCIX. All Sums of Money forfeited under this Act may be sued for by the Assignees of the Estate and Effects of any Bankrupt or Insolvent connected therewith or interested therein in any of Her Majesty's Superior Courts of Record; and such Sums of Money, when recovered, shall be added to and form Part of the Estate.

Fees and Stamp Duties.

Stamps in lieu of Fees.

CCCC. Every Document enumerated in the Schedule (Z.) to this Act annexed shall, after the Commencement of this Act, be printed or written upon Vellum, Parchment, or Paper bearing the Stamp Duty set opposite to such Document in such Schedule: Where any such Document shall consist of more than One Sheet, only

only the First Sheet shall be impressed with the Stamp: No Fees or Stamp Duties other than those authorized by the Act shall be payable in respect of any Affidavit, Certificate, Bond, Motion, or Proceeding in Bankruptcy or Insolvency, or under this Act: Provided, that nothing in this Section contained shall exempt from Stamp Duty any Deed, Conveyance, Assignment, or other Assurance which now is by Law liable to such Duty.

No Fees to be payable other than as directed by this Act.

CCCCI. The Commissioners of Inland Revenue shall give Directions for carrying into effect the Provisions of this Act with respect to Stamp Duties in lieu of Fees, and shall cause separate and distinct Accounts to be kept of all Sums of Money received by them under the Provisions of this Act, and of all Costs, Charges, and Expenses incurred by them or by their Order in carrying the same into effect.

Commissioners of Inland Revenue to give the necessary Directions.

CCCCII. The said Commissioners may pay and deduct and retain out of such Monies all such Costs, Charges, and Expenses, and also deduct all Sums of Money repaid on Allowance for spoiled Stamps; and after such Deduction they shall from Time to Time, and in such Manner as the Court shall by Rules and Orders under this Act direct, pay the same into the Bank of *Ireland*, to the Credit of an Account there to be opened in the Name of the Accountant General of the Court of Chancery, and to be entitled "The Bankruptcy Fee Fund Account."

After deducting Expenses, Commissioners to pay over Balance of Stamp Duties to "Bankruptcy Fee Fund Account."

CCCCIII. Every Draft or Order on the Bank of *Ireland* for the Payment of Money out of the Bankruptcy Fee Fund Account shall be signed by the Accountant General of the Court of Chancery for the Time being; and all Drafts and Orders so signed, but not otherwise, shall be a sufficient Authority to the Bank to pay the Amount thereof to the Persons named therein, or to the Bearers of them.

Drafts on Bankruptcy Fee Fund.

CCCCIV. If at the End of any Year there shall be a Surplus standing to the Credit of "The Bankruptcy Fee Fund Account," after the Payment of the several Salaries and Sums of Money charged thereon by this Act, the Lord Chancellor may by any Order direct that the whole or any Part of such Surplus shall be paid into the Receipt of the Exchequer, and be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Brtiain* and *Ireland*, at such Time and in such Manner as he shall think fit.

Power to order Surplus of Bankruptcy Fee Fund to be paid into the Exchequer.

CCCCV. The Commissioners of Inland Revenue may appoint any Persons to sell and distribute such Stamps, and allow them such

Commissioners of Inland Revenue may appoint

Persons for Sale and Distribution of Stamps, and make Allowance for spoiled Stamps.

such Discount or Poundage as may by any General Rule be directed; and the Commissioners may by any such General Rule make Regulation for the Allowance of such Stamps issued under the Provisions of this Act as may have been spoiled, or rendered useless, or unfit for the Purpose intended, or for which the Owner may have no immediate Use, or which, through Mistake or Inadvertence, may have been improperly or unnecessarily used; and such Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed, or by repaying the Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage allowed on the Sale of Stamps of the like Kind.

Provisions of former Acts relating to Stamps to be applied to the Stamps to be provided under this Act.

CCCCVI. The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care and Management of the Commissioners of Inland Revenue shall (so far as the same are applicable, and consistent with the Provisions of this Act), in all Cases not hereby expressly provided for, be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment, or Paper on which the same shall be impressed, and shall be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually, to all Intents and Purposes, as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.

Appointment of Accountant General.

CCCCVII. It shall be competent to the Lord Chancellor to direct that the Accountant General of the Court of Chancery shall act as Accountant General of the Court, and in such Case the Accountant General shall carry into effect the Orders of the Lord Chancellor in the same Manner as if they were Orders of the Court of Chancery.

As to Payments out of Bankruptcy Fee Fund Account.

CCCCVIII. The several Payments to be made from Time to Time out of the Bankruptcy Fee Fund Account shall be so made on the Order of the Lord Chancellor.

Act to extend to Aliens and Denizens.

CCCCIX. This Act shall extend to Aliens and Denizens, both to make them subject thereto and to entitle them to all the Benefits given thereby.

Act to extend to Ireland only, except, &c.

CCCCX. This Act shall not extend to either *England* or *Scotland*, except where the same are expressly mentioned.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Acts and Parts of Acts repealed.

Date of Act.	Title.	Extent of Repeal.
1 & 2 G. 4. c. 40. -	An Act to repeal so much of an Act made in the Parliament of Ireland in the Eleventh and Twelfth Years of the Reign of King George the Third, for preventing Frauds committed by Bankrupts, as inflicts Capital Punishment on certain Offences therein specified; and to provide more suitable and effectual Punishment for such Offences.	The whole.
6 W. 4. c. 14. -	An Act to amend the Laws relating to Bankrupts in Ireland.	The whole.
6 & 7 W. 4. c. 74. -	An Act to abolish certain Offices connected with the Court of Chancery in Ireland, and to provide for the Performance of the Duties thereof.	Clause XXXIV. in the Copy printed by Her Majesty's Printers.
1 Vict. c. 48. - -	An Act to appoint a Second Commissioner of Bankrupts in Ireland, and to amend an Act passed in the 6th and 7th Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to amend the Laws relating to Bankrupts in Ireland."	The whole.
2 & 3 Vict. c. 86. -	An Act to amend an Act passed in the Sessions holden in the Sixth Year of His late Majesty King William the Fourth, for amending the Laws relating to Bankrupts in Ireland.	The whole.
3 & 4 Vict. c. 105. -	An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for the further Amendment of the Law and the better Advancement of Justice in Ireland.	Clause VIII. in the Copy printed by Her Majesty's Printers.

Bankruptcy and Insolvency (Ireland).

Date of Act.	Title.	Extent of Repeal.
3 & 4 Vict. c. 107. -	An Act to continue and amend the Laws for the Relief of Insolvent Debtors in Ireland.	The whole.
4 & 5 Vict. c. 47. -	- - - - - -	The whole.
5 & 6 Vict. c. 95. -	An Act for consolidating the Four Courts Marshalsea, Dublin, and the City Marshalsea, Dublin, and for regulating the Four Courts Marshalsea in Ireland.	Clauses VII. and VIII. in the Copy printed by Her Majesty's Printers.
7 & 8 Vict. c. 90. -	An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis Pendens, and Commissions of Bankruptcy, and for providing One Office for the registering of all Judgments in Ireland; and for amending the Laws in Ireland respecting Bankrupts and the Limitation of Actions.	Clauses XXXVI., XXXVII., and XXXVIII. in the Copy printed by Her Majesty's Printers.
8 & 9 Vict. c. 48. -	An Act to substitute a Declaration for an Oath in Cases of Bankruptcy.	So far as relates to Ireland.
8 & 9 Vict. c. 98. -	An Act for facilitating the winding up the Affairs of Joint Stock Companies in Ireland unable to meet their pecuniary Engagements.	The whole, save Clause XXIX. in the Copy printed by Her Majesty's Printers.
10 & 11 Vict. c. 85.	An Act for giving further Facilities for the Transmission of Letters by Post, and for the regulating the Duties of Postage thereon, and for other Purposes relating to the Post Office.	Clause XI. in the Copy printed by Her Majesty's Printers.
12 & 13 Vict. c. 107.	An Act for the Amendment of the Law of Bankruptcy in Ireland.	The whole.
14 & 15 Vict. c. 57.	An Act to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors.	Clause CXIX. in the Copy printed by Her Majesty's Printers.

SCHEDULE (B.)

The Irish Bankrupt and Insolvent Act, 1857.

RETURN by One of the Official Assignees of the Court of Bankruptcy and Insolvency in Ireland, showing the State of every Bankruptcy and Insolvency under his Charge, for the Year ending on the 31st Day of December 18 .

	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.	19.
Name of Bankrupt.	Date of Petition.	Gross Amount of Debts and Liabilities stated in the Balance Sheet.	Net Amount of Debts proved.	Gross Amount of Assets in Balance Sheet.	Total Amount of Assets collected.	Total Amount paid in Dividends.	Average Rate per Cent. on the Debts proved.	Total Amount of Charges (exclusive of the Allowances to the Official Assignee).	Total Amount of Allowances paid to the Official Assignee.	Total Amount of Allowances to Official Assignees for Petty Expenses.	Average Rate per Cent. on Monies collected by Official Assignees.	Balance in Bank of Ireland to the Credit of the Estate.	Balance in Hands of Official Assignee.	Particulars of Certificates granted, refused, and suspended (distinguishing the Result of each Bankruptcy).	Cause of Failure as shown by Books and Accounts.	Bankruptcies and Insolvencies in which final Dividends have been declared, and the Estates wound up, between the 1st January and 31st December 18 , inclusive.	Dates of Certificates allowed.	Dates of Discharge of Insolvents, with the Periods of Remand, if any.	Observations.
A. 1. 2. 3. 4. etc.																			
Name of Insolvent.																			
B. 1. 2. 3. 4, etc.																			

I certify this to be a true Return.

Dated this 15th Day of January 18 .

[Signature]
One of the Official Assignees of the Court of Bankruptcy and Insolvency.

5 Z SCHE-

SCHEDULE (C.)

No. 1.

[In Bankruptcy.]

Declaration of Insolvency by Trader.

I, the undersigned *E.F.* of do hereby declare, That I am unable to meet my Engagements with my Creditors.

Dated at the Hour of o'Clock [in the Forenoon, *or* at Noon, *or* in the Afternoon, *as the Case may be,*] this Day of in the Year of our Lord

Witness, (Signed) *E.F.*

G.H., Attorney of the Court.

SCHEDULE (C.)

No. 2.

Declaration of Insolvency by Joint Stock Company.

By virtue of a Resolution duly passed in that Behalf on the Day of at a Board of Directors of [*here state the Name or Style of the Company*], duly summoned for that Purpose, it is hereby declared, that the said Company [*or* Society, *&c., as the Case may be,*] is unable to meet its Engagements.

Dated this Day of in the Year

[*Common Seal of the Company, or, if the Company have no Common Seal, the Signature of the Chairman of the Board of Directors who was present at the passing of the Resolution.*]

Witness *O.H.*, Attorney [*or* Solicitor] of the Court of and Attorney [*or* Solicitor] of the said Company, and attesting Witness to the Execution hereof as such Attorney [*or* Solicitor].

SCHEDULE (D.)

[In Bankruptcy.]

Writ of Summons and Plaint to be served on a Member of Parliament in order to enforce the Provisions of "The Irish Bankrupt and Insolvent Act, 1857."

VICTORIA, *&c.*

To *C.D.* of, *&c. &c.* Esquire, having Privilege of Parliament, greeting:

and you are hereby informed that an Affidavit of Debt for the Sum of hath been filed in the proper Office, according to the Provisions of "The Irish Bankrupt and Insolvent Act, 1857," and that unless you pay, secure, or compound for the Debt sought to be recovered in this Action, or enter into such Bond

Bond as by the said Act is provided, and cause an Appearance and Defence to be filed for you within Twenty-one Days next after such Service hereof, you will be deemed to have committed an Act of Bankruptcy from the Time of the Service hereof.

Witness at Dublin, the Day of

This Writ is to be served within Four Calendar Months from the Date thereof, including the Day of such Date, and not afterwards, and is to be endorsed with the Name of the Plaintiff or his Attorney, in manner following; that is to say,

This Writ was issued by *E.F.* of Attorney for the Plaintiff [*or* Plaintiffs] within named.

or

This Writ was issued in Person by the Plaintiff within named, who resides at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such there be*].

SCHEDULE (E.)

[In Bankruptcy.]

Affidavit for summoning a Trader Debtor.

A.B. of and *C.D.* of severally make Oath and say, and first this Deponent *A.B.* for himself saith, That *E.F.* is justly and truly indebted to this Deponent in the Sum of [*the Amount of the Debt*] for, *&c.* [*stating the Nature of the Debt with Certainty and Precision*]; and this Deponent further saith, that the said *E.F.*, as this Deponent verily believes, is a Trader within the Meaning of the Law of Bankruptcy, and resides at and that an Account in Writing of the Particulars of the Demand of the said *A.B.*, amounting to the said Sum of [*the Amount of the Debt*], with a Notice thereunder written in the Form prescribed by "The Irish Bankrupt and Insolvent Act, 1857," requiring immediate Payment of the said Debt, is hereunto annexed; and this Deponent *C.D.* for himself saith, that he did on the Day of instant [*or last*] personally [*or otherwise, according to the Fact,*] serve the said *E.F.* with a true Copy of the said Account and Notice.

SCHEDULE (F.)

[In Bankruptcy.]

Particulars of Demand, and Notice requiring Payment.

To *E.F.* of

The following are the Particulars of the Demand of the undersigned *A.B.* of against you the said *E.F.*, amounting to the Sum of [*the Amount of the Debt. Then copy the Account*].

Take notice, That I the said *A.B.* hereby require immediate Payment of the said Sum of

Dated this Day of in the Year of our Lord

SCHE-

SCHEDULE (G.)

[In Bankruptcy.]

Summons of Trader Debtor.

These are to will and require you to whom this Summons is directed personally to be and appear before the Court of Bankruptcy and Insolvency in the City of Dublin on the Day at o'Clock; and you are hereby informed that the Purpose for which you are thus summoned to appear before the said Court is to ascertain, in Manner and Form prescribed by "The Irish Bankrupt and Insolvent Act, 1857," whether or not you admit the Demand of *A.B.* of (who claims of you the Sum of [*state the Amount*] for a Debt), or any and what Part thereof; or whether you verily believe that you have a good Defence upon the Merits to the said Demand, or to any and what Part thereof; and hereof you are not to fail at your Peril.

Given under my Hand, the Day of in the Year of our Lord

(Signed) *C.D.*, Judge.

SCHEDULE (H.)

[In Bankruptcy.]

Admission of Debt by Trader Debtor.

Court of Bankruptcy and Insolvency, Dublin,
Day of A.D.

Whereas I, the undersigned *E.F.* of am summoned to appear before this Court for the Purpose of stating whether or not I admit the Demand of *A.B.* of (who claims of me the said *E.F.* the Sum of [*the Amount*] for a Debt), or any and what Part thereof; or whether I verily believe that I have a good Defence upon the Merits to the said Demand, or to any and what Part thereof: Be it known, That I the said *E.F.* hereby confess that I am indebted to the said *A.B.* in the said Sum of [*or* in Part of the said Sum of that is to say, in the Sum of].

(Signed) *E.F.*

SCHEDULE (I.)

[In Bankruptcy.]

Deposition by Trader Debtor that he has good Answer to Creditor's Demand or some Part thereof.

Court of Bankruptcy and Insolvency, Dublin,
Day of A.D.

E.F. being sworn on the Day and Year and at the Place aforesaid, upon his Oath saith, That he verily believes he has a good Defence upon the Merits to the Demand [*or* to Part of the Demand] herein-after mentioned of *A.B.* of who claims of the said *E.F.* the Sum of for a Debt alleged to be due and owing from the said *E.F.* to the said *A.B.*, as stated in the Affidavit of the said *A.B.* filed in this Court, and bearing Date the Day of

(Signed) *E.F.*

Sworn before me,
J.K., Judge.

SCHE-

SCHEDULE (J.)

Form of Bond to pay admitted Demand.

Know all Men by these Presents, That we, *A.B.*, *C.D.*, and *E.F.*, are jointly and severally held and firmly bound to *E.F.* in the Sum of of lawful Money of Great Britain, to be paid to him, his Executors, Administrators, or Assigns, for which Payment to be well and truly made we jointly and severally bind ourselves, our Heirs, Executors, and Administrators.

Dated this Day of in the Year of our Lord 18 .

(L.S.)
(L.S.)
(L.S.)

Whereas the said *A.B.*, after being duly summoned to appear in Her Majesty's Court of Bankruptcy and Insolvency in Ireland, for the Purpose of stating whether or not he admits a certain Demand of the said *E.F.*, amounting to the Sum of or any and what Part thereof, or whether he verily believes that he has a good Defence upon the Merits to the said Demand, or to any and what Part thereof, hath deposed upon Oath [*or* Affirmation, *as the Case may be*,] that he verily believes that he, the said *A.B.*, hath a good Defence upon the Merits to the said Demand [*or* to Part of the said Demand]: * And whereas an Action, wherein the said *E.F.* is Plaintiff and the said *A.B.* is Defendant, is now depending in [*name the Court in which the Action is depending*] for the Recovery of the said Demand [*or* last-mentioned Sum, *as the Case may be*]: Now therefore the Condition of this Obligation is such, that if the said *A.B.* shall, on Demand, well and truly pay to the said *E.F.*, or his Attorney or Agent, such Sum as shall be recovered by, together with such Costs as shall be given to, the said *E.F.* in such Action, this Obligation shall be void and of no Effect, but otherwise shall be and remain in full force and virtue [*or, if an Action has not been already brought, insert, instead of the Paragraph following the *, these Words:* Now therefore the Condition of this Obligation is such, that if the said *A.B.* shall, on Demand, well and truly pay or cause to be paid to the said *E.F.*, his Attorney or Agent, such Sum or Sums as shall be recovered by, together with such Costs as shall be given to, the said *E.F.* in any Action which shall hereafter be brought for the Recovery of the said Demand, [*or* last-mentioned Sum, *as the Case may require*,] this Obligation shall be void and of no Effect, but otherwise shall be and remain in full force and virtue.]

SCHEDULE (K.)

[In Bankruptcy.]

Admission of Debt by Trader Debtor signed out of Court.

I, the undersigned *E.F.* of do hereby confess, That I am indebted to *A.B.* of in the Sum of

(Signed) *E.F.*

Dated this Day of A.D.

Witness,
G.H., Attorney for the said *E.F.*, and subscribing Witness to the Execution hereof as such Attorney.

SCHEDULE (L.)

[In Bankruptcy.]

Petition of Bankruptcy by a Creditor.

To the Court of Bankruptcy and Insolvency.

The humble Petition of
Showeth,

That being a Trader, is indebted unto your Petitioner in the Sum of and that your Petitioner has been informed and believes that the said did lately commit an Act of Bankruptcy within the true Intent and Meaning of the Law of Bankruptcy.

Your Petitioner therefore humbly prays, That on Proof of the Requisites in that Behalf Adjudication of Bankruptcy may be made against the said . And your Petitioner shall ever pray, *&c.*

Signed by the Petitioner, on the Day of 18 , in the Presence of Solicitor in the Matter of this Petition.

If the Petition be by Partners, alter the Form accordingly, and let it be signed by One on behalf of himself and Partners. If the Petition be by several not being Partners, then it must be signed by each, and in such Case the Names of the several Petitioners should be stated in the Attestation or Attestations relating thereto respectively.

If the Petition be against Partners, alter the Form accordingly.

SCHEDULE (M.)

[In Bankruptcy.]

Affidavit of Truth of Allegations in Petition.

Day of A.D.
of in the of the Petitioner named in the Petition hereunto annexed, maketh Oath and saith, That the several Allegations in the said Petition are true.

Sworn at this Day of 18 , before me

If the Petitioner affirm, alter the Form accordingly.

SCHEDULE (N.)

[In Bankruptcy.]

Petition by a Trader for Adjudication of Bankruptcy against himself.

To the Court of Bankruptcy and Insolvency.

The humble Petition of
Showeth,

That your Petitioner, being a Trader within the Meaning of the Law of Bankruptcy, and being unable to meet his Engagements with his Creditors, has filed a Declaration of Insolvency in Manner and Form in that Case made and provided, and that your Petitioner verily believes that he can make it appear

appear to the Satisfaction of the Court that his available Estate is sufficient to produce the Sum of Fifty Pounds at the least.

Your Petitioner therefore humbly prays, That, on Proof of the Requisites in that Behalf, Adjudication of Bankruptcy may be made against him.

And your Petitioner shall ever pray, *&c.*

Signed by the Petitioner on the Day of 18 ,
in the Presence of Solicitor in the Matter of this Petition.

If the Petition be by Partners, alter the Form accordingly, and state the Names of the several Petitioners in the Attestation or Attestations relating thereto respectively.

SCHEDULE (O.)

Court of Bankruptcy and Insolvency.

Certificate of Conformity.

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 did on the Day of last finish his Examination, and upon such Examination 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 and Insolvency in Dublin, at a public Sitting held for the Allowance of this Certificate to the said Bankrupt (whereof and of the Purport whereof the Notice required in that Behalf was duly given), 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, and did allow the same.

Given under the Seal of the Court, at the Court of Bankruptcy and Insolvency in Ireland, this Day of
in the Year of our Lord One thousand eight hundred and

Signed and sealed in the Presence of

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

SCHEDULE (P.)

[In Insolvency.]

To the Court of Bankruptcy and Insolvency.

Petition of Insolvency.

The humble Petition of
late of in the C of previous
of formerly of

Showeth,

That your Petitioner is now a Prisoner for Debt in the
in the of and is there detained
at the Suit of for the Sum of and
that your Petitioner was first arrested in the said Suit at in the

State the recent Residences, Trades, &c. very accurately; but it need not always be so for the Schedule.

If the Prisoner was bailed or first committed

to another Prison and removed by Habeas corpus or otherwise, the Fact must be here stated.

If more Detainers, make fresh Statement as to each according to Facts.

the of on the Day of One thousand eight hundred and fifty and was committed to the said on the Day of One thousand eight hundred and fifty-

and that your Petitioner is willing that all h Real and Personal Estate and Effects shall be vested in the Official Assignees of the Court; your Petitioner therefore humbly prays your Honourable Court, that he may be discharged from Custody and have future Liberty of h Person against the Demands for which h is now in Custody, and against the Demands of all other Persons who are or claim to be Creditors of your Petitioner, according to the Provisions of the Statute in that Behalf.

And your Petitioner will ever pray, *&c.*

Subscribed by the said Prisoner on the Day of 185 in the Presence of

---

Form of Retainer and Acceptance to be endorsed on Petition of Insolvency.

Court of Bankruptcy and Insolvency.

I of do hereby retain Mr. of to act for me as my Attorney in the said Court, and I hereby declare that he is so employed by me at my Request.

Signed by me at on this Day of 185 .

Witness,

I of an Attorney duly admitted to practise on behalf of Prisoners in actual Custody, do hereby accept the above Retainer.

Signed by me, this Day of 185 .

Form of Prison Certificate.

Certificate of Governor of Gaol.

Plaintiff. } Committed to the Custody of the Governor of
Defendant. } Gaol, by the High Sheriff of the C under and by virtue of a on the Day of 185 .

Debt and Costs £

Attorney for the Plaintiff.

_____ } Detainers.

I hereby certify, That the Defendant still remains in Custody at this Date, under and by virtue of the above . And I do hereby further certify, That there is no other Detainer against the said Defendant.

Signed by me, this Day of 185 .

Governor.

[In

[In Insolvency.]

In the Court of Bankruptcy and Insolvency.

In the Matter of committed to the Gaol of in the C of on the Day of 185 , at the Suit of for the Sum of £

INSTRUCTIONS.—This Account is to begin at or before the Time when the earliest Debt in the Schedule was contracted by the Insolvent: if he has at any Time been bankrupt, or petitioned under an Insolvent Act, it must be stated whether any Debts due under such Bankruptcy or Insolvency are still unpaid. (See below.)

This my Account begins in or about* the Month of 18 , the earliest Debt in my Schedule (No.) was contracted by me in the Year 18 , [Fill up the Blanks.]

GENERAL BALANCE SHEET.

Dates.	*Dr.*	£	s.	d.	Dates.	*Cr.*	£	s.	d.
	Capital at the Time aforesaid*, consisting of - -					Good Debts, as in Schedule -			
	Aggregate Amount of Debts, as in Schedule					Bad - -			
	Deduct, 1, those for which I have received no Consideration - -					Doubtful - -			
	2, in respect of Debts more than once entered - - -					Amount of Debts owing to me			
	Amount of Debts contracted since the Time aforesaid * for which I have received Consideration - - -					Rent for Years, at £ a Year - - -			
	Profits of Business in each Year: viz.					Taxes for Years, at £ -			
						Servants Wages for Years, at £ - - -			
	*Here enter all Monies received by Annuities, Dividends, or otherwise, also all Property had by Purchase, Gift, Devise, Bequest, &c. since the Time aforesaid.					Other Household Expenses for Years, at £ - -			
						Special Expenses, Disbursements, and Losses: viz.			
						Property mentioned in Schedule, pp. 6 and 7 - -			
						Money in possession when I was taken into Custody -			
						Excepted Articles - -			
						Difference between Values and Cost Price - -			
						DEFICIENCY - - -			
	VALUE to be accounted for £					£			

The Cause of my present Insolvency is

[or *insolvent,*] *write* "never." — *If never bankrupt* I was Bankrupt and Debts still unpaid are about £ I petitioned this Court and Debts still unpaid are about £

Signed in the Presence of Dated this Day of 185 .

[In Insolvency.]

In the Court of Bankruptcy and Insolvency.

I, the said do declare, That this my Schedule doth contain a full and fair Description of me, as to my Name or Names, Trade or Trades, Profession or Professions, together with my last usual Place of Abode, and the Place or Places where I have resided during the Time when my Debts were contracted, and also a full and true Description of all Debts due or growing due from me at the Time of filing my Petition, and of all and every Person and Persons to whom I am indebted, or who to my Knowledge or Belief claim to be my Creditors, together with the Nature and Amount of such Debts and Claims respectively, distinguishing such as are admitted from such as are disputed

disputed by me, and also a full, true, and perfect Account of all my Estate and Effects, Real and Personal, in possession, reversion, remainder, or expectancy, and also of all Places of Benefit or Advantage held by me, whether the Emoluments of the same arise from fixed Salaries or from Fees, or otherwise, and also of all Pensions or Allowances which I have in possession or reversion, or which are held by any other Person or Persons, for me or on my Behalf, or of and from which I derive or may derive any manner of Benefit or Advantage, and also of all Rights and Powers of any Nature and Kind whatsoever, which I am, or any other Person or Persons in trust for me, or for my Use, Benefit, or Advantage, are, in any Manner whatsoever, seised or possessed of, or interested in or entitled unto, or which I, or any other Person or Persons in trust for me or for my Benefit, have any Power to dispose of, charge, or exercise for my Benefit or Advantage; together with a full, true, and perfect Account of all the Debts due or growing due at the Time of making the said Vesting Order to me or to any Person or Persons in trust for me, or for my Benefit or Advantage, either solely or jointly with any other Person or Persons, and the Names and Places of Abode of the several Persons from whom such Debts are due or growing due, and of the Witnesses who can prove such Debts, as far as I can set forth the same; and that this my Schedule doth also contain a Balance Sheet of so much of my Receipts and Expenditures, and of the Items composing the same, as is required by this Honourable Court in that Behalf; and doth fully and truly describe the Wearing Apparel, Bedding, and other such Necessaries of myself and my Family, and my working Tools and Implements, which are excepted by me from the Operation of the Statute, together with the Value of such excepted Articles respectively.

Excepted Articles and the Values thereof.

	£	s.	d.
£			

Witness my Hand the Day of One thousand eight hundred

Signed in the Presence of

BALANCE SHEET OF RECEIPTS AND EXPENDITURES.

The Court requires

That this Account shall in no Case begin later than Four Calendar Months before the Prisoner's last Commitment to Custody.

That if he was before that Time arrested in any Suit which is still continued, it shall begin not later than the Time of such Arrest.

That if before those Periods, but since the Commencement of his Embarrassments, any Property has gone away from him by Sale, Assignment, Mortgage, Distress, Execution, or any Means other than the ordinary Course of Trade, the Account shall commence so as to include all such Transactions.

That the Blank in the Description of the Debtor's Side of the Account shall be filled with a Date early enough for Compliance with the above Directions.

That the specific Appropriation of each Sum received shall be separately shown, where the Case admits of it.

That the Date of each Item in the Account shall be given by stating the Day as well as the Year when the same can be ascertained.

That

That Money and other Property, which was in the Possession of the Prisoner or his Family or any other Person for his or their Benefit at the Time when he was last taken into Custody, shall in all Cases be made a specific Item or Items in the Account.

Dr.					*Cr.*				
Specification of all Property, Real and Personal, in which I have had an Interest at any Time since the Day of 18 , to the Time of subscribing this my Schedule, showing when, how, to whom, and for what Consideration, any Portion of any such Property has been parted with.					Account of all such Property, showing what Part thereof is now available for the Benefit of my Creditors, and as to such Part as has been parted with, the particular Application of the Proceeds of the same.				
Date.		£	s.	d.	Date.		£	s.	d.

CREDITORS.

No.	Names and Descriptions of Creditors and Claimants, and their present or last Residences.	Amount.	When contracted.	Admitted or disputed.	Nature and Consideration of the Debt and Securities, if any; also if the Debt is disputed, the Reason thereof.
		£ s. d.			

DEBTORS.

No.	Names, Description, and Places of Abode of Debtors.	Amount.	When contracted.	Good, bad, or doubtful.	Nature and Consideration of the Debt; also Securities, if any, for the same.	Witnesses, with their Residences, and other Evidence, by which the Debt may be proved.
		£ s. d.				

N.B.—Where there are cross Demands, the Party must be entered both as Creditor and Debtor, and "Set-off" must be written under the Amount.

PROPERTY IN POSSESSION.

Real and Personal Estates and Effects which were in my Possession, Enjoyment, or Control, or which were held by any other Person or Persons in trust for my Use, or to the Possession or Enjoyment of which I was entitled at the Time of subscribing my Petition, and which are not excepted from the Operation of the Act.

	Freehold and Leasehold Property with local Description, Names of Tenants and annual Rent of the same, and Statement of Incumbrances (if any) thereupon, with the Dates thereof.	Supposed Value. £	s.	d.
Interest in Land.				
Personal Property.	Household Goods and Furniture - - -			
	Wearing Apparel - - -			
	Jewels, Trinkets, and Ornaments of the Person -			
	Plate, Linen, and China - - - -			
	Wines and other Liquors - - - -			
	Books, Prints, and Pictures - - -			
	Horses, Cows, and other Animals - - -			
	Carriages - - - - -			
	Farming Stock and Implements of Husbandry -			
	Stock in Trade in my Business of			
	Machinery and Utensils in my Business of			
	Ships and Shares of Ships, viz. - - -			

		Supposed Value. £	s.	d.
	Cash, Bills, Promissory Notes, Bonds, and other Personal Property not before specified - -			
Property in the Funds, Annuities, Shares, &c.	Annuities, Money in the Public or other Funds, Shares in Canal and other Companies, showing in whose Names the same are standing; also when and by whom the last Dividend or other Payment was received in respect of the same - -			
Unpaid Legacies.	Legacies due, but unpaid; with all Particulars concerning the same - - - - - -			
Books. Deeds. Papers.	The following is a true List of all Books, Papers, Deeds, and Writings relating to my Estate and Effects, or any Part thereof, which at the Time of my First Arrest above mentioned were or any Time since have been in my Possession or under my Custody or Control, or in the Possession or Custody of any Person in trust for me, or for my Use, Benefit, or Advantage.			

Where under any Division the Prisoner has no Property, the Word "None" to be entered.

PROPERTY IN REVERSION, &c.—PLACES, PENSIONS, RIGHTS, AND POWERS.

	Real and Personal Estate and Effects in which I have any Interest in reversion, remainder, or expectancy.	Supposed Value of my Interest if now to be sold. £	s.	d.
Interests in Land.	Freehold and Leasehold Property, with Names and Descriptions of Persons now enjoying the same, and the annual Value thereof; also, the Nature of my Interests therein, and from whom and in what Manner it is derived - - - - - -			
Personal Property.	Personal Property, with Names and Description of Persons now enjoying the same; also, the Nature of my Interest therein, and from whom and in what Manner it is derived - - - - -			
Property in the Funds, Annuities, Shares, &c.	Annuities, Money in the Public or other Funds, Shares in Canal and other Companies, showing in whose Names the same are standing, with Names and Description of Persons now enjoying the same; also, the Nature of my Interest therein, and from whom and in what Manner it is derived - - - -			
Places and Pensions in possession or reversion.	Places of Benefit or Advantage held by me, with the Salaries Fees, and Emoluments thereof; also, all Pensions and Allowances in possession or reversion held by me or by any other Person or Persons for me or on my Behalf, or of and from which I derive or may derive any Benefit or Advantage.			

		£	s.	d.
Rights and Powers.	Rights and Powers which I, or any other Person or Persons in trust for me, or for my Use, Benefit, or Advantage, am or are in any Manner seised or possessed of, or interested in or entitled unto, or which I or any other Person or Persons in trust for me, or for my Benefit, have any Power to dispose of, charge, or exercise for my Benefit or Advantage.			

N.B.—Contingent as well as vested Interests must be entered.

I, do hereby swear that the Contents of this my Schedule and of all and every Part thereof respectively, are true. So help me GOD.

Sworn in Court, at in the this Day of

INDORSEMENT.

Arrested	Day of	185
Committed	Day of	185
Petition filed	Day of	185
Schedule filed	Day of	185
To be heard	Day of	185

Debts, £
Credits, £
Books,
Papers,
Deeds,
&c.

SCHEDULE (Q.)

[In Insolvency.]

Creditor's Petition and Affidavit.

(1)

To the Court of Bankruptcy and Insolvency.

The Petition of

[*State the Trade or Profession of Petitioner; his present Residence (Street, Number, &c.)*]

Showeth,

That your Petitioner now at the Time of signing this Petition Creditor of

[*State more fully than in the Affidavit (so far as is known) the Debtor's last Places of Residence, and where he resided while the Debt was contracted; also his Trades or Professions.*]

now a Prisoner in And that the said Prisoner was committed to the said on the Day of 185 , as appears by the Gaoler's Copy of Causes hereunto annexed: And was

[*Charged in Execution or for Contempt, &c. &c., as the Case may be.*]

at the Suit of your Petitioner on the , for the Sum of

Your Petitioner therefore humbly prays that the Real and Personal Estate and Effects of the said Prisoner may be vested in the Official Assignees according to the Provisions of the Statute.

And

And your Petitioner is desirous that the said Prisoner may be ordered to file a Schedule of his Property according to the Provisions of the said Act, and may thereupon be brought up to be dealt with according to the Provisions of the said Act.

Subscribed by the said Petitioner on the Day of 185
in the Presence of of

[*Attorney's Address.*]
Attorney for the said Petitioner.

(2.)

[In Insolvency.]

In the Court of Bankruptcy and Insolvency.

In the Matter of

[*In this Place give safe Description as to Business and late Residence, for sake of Identity.*]

a Prisoner in

[*Petitioner's Name, &c. &c.*]

maketh Oath and saith, that the said hath been for Twenty-one Days last past in Custody

[*State whether in Execution or for Contempt, &c.*]

at the Suit of this Deponent, and is justly and truly indebted to this Deponent in the Sum of , besides Costs: And this Deponent further states that there is Sum due from this Deponent to the said Prisoner, or fairly claimable by the said Prisoner from this Deponent, by setting off which the said Sum for which the said Prisoner is so in Custody at the Suit of this Deponent would be reduced—viz.

And this Deponent further saith that there is Charge, Lien, or Security held

[*Write "no" or state the Debt or Claim, as the Fact may be.*]

by this Deponent, or any Person on his Behalf, against the Real or Personal Estate or Effects of the said Prisoner, independent of the Judgment

[*If it is a Decree or Order so state.*]

on which the said Prisoner is now in Custody at the Suit of this Deponent, viz.:—

And this Deponent further saith that he has availed himself of his Judgment against the said Prisoner, otherwise than by Arrest of his Person, as follows:

[*If any Property whatsoever has been seized in Execution, or an Order of a Judge has been obtained, the same must be distinctly stated, with Particulars of the Result: If no such Things have taken place, write* "not," *and erase the Words* "as follows."]

And this Deponent further saith that the said Prisoner hath not in any Manner whatsoever made Satisfaction to this Deponent for the said Sum for which he so stands committed, nor for any Part thereof except

[*Either erase the Word* "except" *or add* "as aforesaid," *or other Matter according to Fact.*]

And that the said Sum of is still justly and truly due to this Deponent, whereupon this Deponent has instructed , his Attorney, to proceed to this Court pursuant to the Statute in that Behalf.

[Note.—*This Form is to be varied accordingly if the Affidavit be not made by the detaining Creditor.*]

SCHE-

SCHEDULE (R.)

[In Bankruptcy *or* in Insolvency.]

Search Warrant.

Day of A.D.

In the Matter of *A.B.* of a Bankrupt [*or* Insolvent].

WHEREAS, by Evidence duly taken upon Oath it hath been made to appear to the Satisfaction of the Court of Bankruptcy and Insolvency in Ireland, that there is Reason to suspect and believe that Property of the said *A.B.* is concealed in the House [*or other Place, describing it, as the Case may be*] of one *C.D.* of in the County of ; these are therefore to authorize and require you, with necessary and proper Assistance, to enter, in the Daytime, into the said House [*or other Place, describing it, as the Case may be*], situate at aforesaid, and there diligently to search for the said Property; and if any Property of the said Bankrupt [*or* Insolvent] shall be there found by you on such Search, that you seize the same, to be disposed of and dealt with according to the Provisions of the said Act.

Given under the Seal of the Court, this Day of in the Year of our Lord One thousand eight hundred and

A.B. (L.S.)

To my Judge.

Messenger, and his Assistants.

If there be Reason to suspect that the Bankrupt [or *Insolvent*] *and his Property are concealed, alter the Warrant accordingly.*

SCHEDULE (S.)

[In Bankruptcy *or* Insolvency.]

Order for Payment of a Debt.

Court of Bankruptcy and Insolvency, Dublin, Day of A.D.

In the Matter of a Bankrupt [*or* Insolvent]:

Whereas of in his Examination taken Day of and signed and subscribed by the said has admitted that he is indebted to the above-named Bankrupt [*or* Insolvent] in the Sum of upon the Balance of Accounts between the said and the said Bankrupt: It is hereby ordered, that the said do pay the Assignees of the Estate and Effects of the said Bankrupt [*or* Insolvent], in full Discharge of the Sum so admitted, the Sum of forthwith [*or if otherwise, state the Time and Manner of Payment*], and that the said do also pay to the said Assignees the Sum of for the Costs of and incident to the Summons of the said in this Behalf.

C.D., Registrar. *A.B.*, Judge.

If the Court shall not adjudge the Costs of and incident to the Summons to be paid by the Person summoned, or if the Court shall adjudge the Official Assignee to pay to the Person summoned his Costs out of the Estate and Effects of the Bankrupt [or *Insolvent*], *alter the Form accordingly.*

SCHE-

SCHEDULE (T.)

[In Bankruptcy.]

Petition for Arrangement.

To the Court of Bankruptcy and Insolvency in Ireland.

The Petition of

Showeth,

That your Petitioner, being a Trader unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them under the Superintendence and Control of this Honourable Court, and of submitting himself to the Jurisdiction thereof, petitions the Court under the Provisions of "The Irish Bankrupt and Insolvent Act, 1857."

That the Inability of your Petitioner to meet his Engagements with his Creditors arises from

Your Petitioner therefore prays that his Person and Property may be protected from all Process, and that such Proposal as he may be able to make (or such Modification thereof as by Three Fifths in Number and Value of his Creditors may be determined) may be carried into effect, under the Superintendence and Control of this Honourable Court.

Signed by the Petitioner in the Presence of

Solicitor in the Matter of this Petition.

SCHEDULE (U.)

Certificate to Petitioning Trader.

Court of Bankruptcy and Insolvency, Dublin, Day of A.D.

Whereas of a Trader 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," 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 Act: 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.

SCHEDULE (V.)

[In Bankruptcy *or* in Insolvency.]

Warrant of Committal of Bankrupt, Insolvent, or other Party for unsatisfactory answering, or for refusing to sign his Examination.

Court of Bankruptcy and Insolvency, Dublin.

WHEREAS *E.F.*, the said in the County of Day of [*or G.H.* of] was on the duly sworn and examined in this Court: And the said was again on the Day of

of duly sworn and examined in this Court, as by the Examination and Deposition of the said now on the File of Proceedings in this Matter will appear:

And whereas the Answers of the said as now so appearing in said Examination and Deposition, are unsatisfactory [*or* the said refused to sign and subscribe his said Examination and Deposition]:

These are therefore to authorize and require you, immediately upon the Receipt hereof, to take into your Custody the said and him safely convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his Custody there, and him safely keep and detain, without Bail, until this Court or the Lord Chancellor shall make an Order to the contrary, and for so doing this shall be your sufficient Warrant.

Given under the Seal of the Court of Bankruptcy and Insolvency, this Day of 18

J.K.,
Judge.

To
Messenger, and his Assistants,
and to
Governor of the said Prison,
or his Deputy there.

SCHEDULE (W.)

Warrant for refusing to be sworn or to answer.

Court of Bankruptcy and Insolvency, Dublin.

In the Matter of Bankrupt [*or* Insolvent].

WHEREAS *E.F.* of *or G.H.* of being present in this Court on this Day of was required to submit to be duly sworn and examined, pursuant to the Statute but the said then and there refused to be sworn [*or* refused to answer the Questions put to him by the Court]:

These are therefore to authorize and require you to whom this Warrant is directed, immediately upon Receipt hereof to take into your Custody the said and him safely to convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his Custody there, and him safely keep and detain, without Bail, until he shall submit himself to the Judges of Bankruptcy and Insolvency to be sworn, and full Answers make to their Satisfaction to such Questions as shall be propounded to him.

Given under the Seal of the Court of Bankruptcy and Insolvency, this Day of 18

J.K.,
Judge.

To
Messenger, and his Assistants,
and to
Governor of the said Prison,
or to his Deputy there.

SCHEDULE (X.)

Warrant of Committal for disturbing or interrupting the Court.

Court of Bankruptcy and Insolvency, Dublin.

In the Matter of Bankrupt [*or* Insolvent.] } WHEREAS at a Sitting in this Matter duly holden in the said Court on the Day of 18 , *E.F., &c.* [*or G.H., &c.*] was guilty of Riot [*or* of Disturbance, *or* did interrupt the said Court in the Exercise of its Duty]:

These are therefore to authorize and require you to whom this Warrant is directed, immediately upon the Receipt thereof to take into your Custody the said and him safely convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his Custody, and him safely keep and detain until further Order.

Given under the Seal of the Court of Bankruptcy and Insolvency, this Day of 18

J.K.,
Judge.

To
Messenger, and his Assistants,
and to
Governor of the said Prison,
or his Deputy there.

SCHEDULE (Y.)

[In Bankruptcy *or* in Insolvency.]

Warrant against Persons disobeying any Rule or Order of Court.

WHEREAS by an Order of this Court, bearing Date the Day of it was ordered, that [*&c. &c., as in the Order:*]

And whereas it is now proved, that after the making of the said Order, that is to say, on this Day of a Copy of the said Order was duly served on the said personally; but the said hath not as yet obeyed the said Order:

These are therefore to will, require, and authorize you, immediately upon Receipt hereof, to take into your Custody the Body of the said *A.B.*, and him safely to convey to Her Majesty's Gaol [*or* Prison] of [*or* called], and him there to deliver to the Keeper of the said Prison, together with this Precept; and the Keeper of the said Prison is hereby required and authorized to receive the said *A.B.* into his Custody, and him safely to keep and detain, without Bail or Mainprise, until this Court or the Lord Chancellor shall make an Order to the contrary, and for so doing this shall be your sufficient Warrant.

Given under the Seal of the Court of Bankruptcy and Insolvency this Day of in the Year of our Lord One thousand eight hundred and

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

To my Messenger, or his Assistant, and to the Keeper of Her Majesty's Prison [*or* Gaol] of [*or* called], or his Deputy there.

SCHE-

SCHEDULE (Z.)

Document.	Stamp Duty in lieu of Fees. £	s.	d.
Every Petition for Adjudication of Bankruptcy, or for Arrangement between any Debtor and his Creditors	1	0	0
Every Summons of Trader Debtor	0	5	0
Every Copy of such Summons	0	1	0
Every other Summons	0	2	6
Every Copy of such Summons	0	0	6
Every Requisition for a Sitting of the Court in Bankruptcy for any of the following Purposes, that is to say, Adjudication, Choice of Assignees, Proof of Debts, Final Examination, Audit, Dividend, Examination of Witnesses, to proceed on Summons against Trader Debtor, and every Requisition for a Sitting of the Court or Meeting, pursuant to the Statute, under a Petition for Arrangement, or to proceed on any Special Case, or for the Sale or Disposition of any mortgaged Property	1	0	0
Every Order of the Court for the Payment to the Assignees of any Debt or Demand over £10, or the Delivery to the Assignees of any Goods or Chattels of the Value of £10 or upwards	0	4	0
Every Copy of such Order	0	1	0
Every Allocatur by any Officer of the Court for any Costs, Charges, or Disbursements, where such Bill of Costs shall not exceed £5	0	1	6
Exceeding £5 and not exceeding £10	0	2	6
„ 10 „ 20	0	5	0
„ 20 „ 30	0	7	6
„ 30 „ 50	0	10	0
„ 50 „ 100	0	15	0
„ 100	1	0	0
Every Warrant	0	5	0
Every Search	0	1	0

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1857.