Acts.	Short Title.
19 & 20 Vict. c. 108. An Act to amend the Acts relating to the County Courts.	"The County Courts Act, 1856."
20 & 21 Vict. c. 36. An Act to supply an omission in a schedule to the Act to amend the Acts relating to the County Courts.	
21 & 22 Vict. c. 74. An Act for the Rearrangement of the Districts of the County Courts among the Judges thereof.	"The County Courts Act, 1858."
22 Vict. c. 8. An Act to repeal the thirty-second section of the Act for the more easy recovery of small debts and demands in England, and to make further provision in lieu thereof.	
25 & 26 Vict. c. 99. s. 4. An Act to amend the Bankruptcy Act, 1861.	
28 & 29 Vict. c. 99. An Act to confer on the County Courts a limited Jurisdiction in Equity.	"The County Courts Act, 1865."
29 & 30 Vict. c. 14. An Act for the Abolition of the Offices of Treasurer and of High Bailiffs of County Courts as Vacancies shall occur, and to provide for the Payment of future Registrars of County Courts.	"The County Courts Act, 1866."
30 & 31 Vict. c. 142. An Act to amend the Acts relating to the Jurisdiction of the County Courts.	"The County Courts Act, 1867."
38 & 39 Vict. c. 50. An Act to amend the Acts relating to the County Courts.	"The County Courts Act, 1875."
45 & 46 Vict. c. 57. An Act to amend the law relating to Costs and Salaries in County Courts.	"The County Courts (Costs and Salaries) Act, 1882."
50 & 51 Vict. c. 3. An Act to amend the Acts relating to County Courts, so far as regards the payment of certain expenses connected with the County Courts.	"The County Courts (Expenses) Act, 1887."

CHAPTER 44.

An Act to provide for the establishment of Local Courts of Bankruptcy in Ireland. [24th December 1888.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Local Bankruptcy (Ireland) Act, 1888.

Commencement and application.

2. This Act shall commence and come into operation upon the first day of January one thousand eight hundred and eighty-nine, and shall apply to Ireland only.

Interpretation of terms.

3. In this Act unless there is something in the context repugnant thereto—

The term "Order in Council" shall mean an order of the Lord Lieutenant, made by and with the advice and consent of Her Majesty's Privy Council in Ireland:

The term "Court of Bankruptcy" shall mean the Court of Bankruptcy in Ireland, and shall include any judge of that court, and any division or judge of the High Court exercising jurisdiction in bankruptcy:

The term "local bankruptcy court" shall mean a court having and exercising jurisdiction in bankruptcy under this Act, within a district assigned as herein-after provided:

The term "local registrar" shall mean a registrar of a local bankruptcy court acting in bankruptcy:

The term "existing" shall mean (unless otherwise expressed) existing at the time appointed for the commencement of this Act:

All terms and expressions defined or explained by the Irish Bankrupt and Insolvent Act, 1857, or the Supreme Court of Judicature Act (Ireland), 1877, or the County Officers and Courts (Ireland) Act, 1877, shall have the same meanings in this Act as in the said Acts respectively. 20 & 21 Vict. c. 60. 40 & 41 Vict. c. 57. 40 & 41 Vict. c. 56.

Cork and Belfast local bankruptcy courts.

4. From and after the commencement of this Act the Recorder of Cork and the Recorder of Belfast respectively for the time being shall constitute and hold local bankruptcy courts, to be called "The Cork Local Bankruptcy Court" and "The Belfast Local Bankruptcy Court" respectively. Each local bankruptcy court, and each recorder as the judge thereof, shall, in addition to all or any existing jurisdiction, have and exercise, in all matters wherein the judge of the local bankruptcy court shall have jurisdiction as herein-after provided, all such and the like jurisdiction, power, and authority in bankruptcy, and as to arrangement with creditors, and composition after bankruptcy, as shall for the time being be vested in or capable of being exercised by the court of bankruptcy, or by any judge of the said court. The districts to be assigned to the said local bankruptcy courts respectively shall be as follows; that is to say, to the Cork local bankruptcy court, the county of Cork, and the county of the city of Cork; to the Belfast local bankruptcy court, the county of Antrim, the county of the town of Carrickfergus, and the county of Down.

Establishment of local bankruptcy courts by Order in Council.

5. If at any time after the passing of this Act it shall appear to the Lord Lieutenant to be expedient, having regard to the amount of local business in bankruptcy, to establish local bankruptcy courts in Londonderry, Galway, Waterford, and Limerick, or in any of those places, the Lord Lieutenant may, with the concurrence of the Treasury, subject to the provisions of this Act, by Order in Council provide that the recorder of Londonderry and the recorder of Galway and the county court judges of the counties of Waterford and Limerick respectively, or any of them, shall constitute and hold

local bankruptcy courts or a local bankruptcy court, and that each such local bankruptcy court and each such recorder or county court judge as the judge thereof shall, in addition to all or any existing jurisdiction, have and exercise in all matters wherein such judge of the local bankruptcy court shall have jurisdiction as hereafter provided, and in respect to such district as shall be by such order assigned, all such and the like jurisdiction, power, and authority in bankruptcy, and as to arrangement with creditors and composition after bankruptcy, as shall for the time being be vested in or capable of being exercised by the court of bankruptcy or by any judge of the said court.

Provided, however, that such Order in Council shall not have or take any effect until after the time has expired within which it is provided by this Act that Parliament shall have the power to resolve that the whole or any part of such Order in Council ought not to continue in force.

Extent of jurisdiction.

6. The Lord Lieutenant may from time to time, after the passing of this Act, by Order in Council, add to and include in any district assigned by or under this Act to any local bankruptcy court the whole or any part or parts of any adjoining county or counties, or may exclude from any such district the whole or any part or parts of any county or counties theretofore included therein, and may vary the said districts in manner aforesaid, as may from time to time appear expedient. For all the purposes of this Act each local bankruptcy court shall have jurisdiction in the case of any debtor or person sought to be adjudged a bankrupt, and in the case of any arranging debtor who shall reside or have an office or place of business within the district for the time being assigned to such court.

Transfer of jurisdiction in parts of Antrim and Down and East Cork.

7. The Lord Lieutenant may, by Order in Council, direct that any district or division for which general or quarter sessions and a civil bill court, or a civil bill court only, is held in the county of Antrim shall, so far as regards such sessions or court, be transferred to and shall be under the jurisdiction of the county court judge and chairman of quarter sessions of the county of Down; and may by Order in Council direct that any district or division for which general or quarter sessions and a civil bill court, or a civil bill court only, is held in the county of Down shall, so far as regards such sessions or court, be transferred to and be under the jurisdiction of the county court judge and chairman of quarter sessions of the county of Antrim; and may, by Order in Council direct that any district or division for which general or quarter sessions and a civil bill court, or a civil bill court only, is held in the East Riding of the county of Cork shall, so far as regards such sessions or court, be transferred to and shall be under the jurisdiction of the county court judge and chairman of quarter sessions of the West Riding of the county of Cork.

An order bringing a district or division of the county of Down under the jurisdiction of the county court judge and chairman of quarter sessions of the county of Antrim may be made at any time.

An order bringing a district or division of the county of Antrim under the jurisdiction of the county court judge and chairman of

quarter sessions of the county of Down, and an order bringing a district or division of the East Riding of Cork under the jurisdiction of the county court judge and chairman of quarter sessions of the West Riding may be made either on the occurrence of a vacancy in the office of chairman of the county of Down, or of the West Riding of the county of Cork respectively, or at any time with the consent of the chairman of the said county of Down, or of the said West Riding, as the case may be.

Clerks of the Crown and peace, sessional Crown solicitors, and other officers having duties in connexion with the sessions and courts affected by such Orders in Council shall continue to discharge the duties previously performed by them in connexion with such sessions and courts.

An Order in Council under this section may contain any provisions concerning the duties of such chairman and officers as aforesaid, and the holding of such sessions and courts, as may appear to the Lord Lieutenant in Council necessary or expedient for carrying the purposes of this section into effect. Any such Order in Council may prescribe the mode in which all or any of such transfers shall be made, and give directions generally for regulating the same, and the disposal of the business of such sessions or court when so transferred as aforesaid, and may give all such further directions as may appear to the Lord Lieutenant to be necessary or proper for the aforesaid purposes. Any such Order in Council may be varied or rescinded by a subsequent order.

Appointment of officers.

8. The Lord Lieutenant may, subject to the provisions of this Act, and with the consent of the Treasury, from time to time after the passing of this Act, by Order in Council, direct the appointment for each local bankruptcy court of the officers herein-after mentioned, or any of them, and prescribe the tenure of each office, and provide for the payment to each such officer of such salary or remuneration by or out of moneys to be provided by Parliament for the purpose, or by or out of prescribed fees or percentages, as may be directed by such order. Such appointments shall be subject to the following provisions:

(1.) The officers who may be directed to be appointed as aforesaid for each local bankruptcy court shall be an official assignee, a local registrar, a messenger, and such clerk or clerks and such officer or officers as the Lord Chancellor, with the concurrence of the Treasury, shall consider necessary for the proper discharge of the duties of the court, and each officer shall discharge all such and the like duties, and exercise all such and the like powers, and enjoy all such rights and privileges as might for the time being be discharged, exercised, and enjoyed by the corresponding officer of the Court of Bankruptcy, or as may be prescribed by Order in Council:

(2.) The Lord Chancellor, with the concurrence of the Treasury, may, with the consent of any existing officer of the Court of Bankruptcy, appoint such officer to be an officer of any local bankruptcy court or courts, either without ceasing to be an officer of the Court of Bankruptcy or otherwise, and upon such terms as to existing rights to salary and pension as the Lord

Chancellor, with the concurrence of the Treasury, and with the consent of the officer, may by order prescribe:

(3.) Any existing officer of any recorder's court or civil bill court holden within the district assigned to a local bankruptcy court, who was appointed before the passing of the County Officers and Courts (Ireland) Act, 1877, may with his own consent be appointed by the Lord Chancellor to be an officer of such local bankruptcy court, either without ceasing to hold his existing office or otherwise, and upon such terms as to existing rights to salary and pension as the Lord Chancellor, with the concurrence of the Treasury, and with the consent of the officer, may by order prescribe:

40 & 41 Vict. c. 56.

(4.) All junior clerkships in the local bankruptcy courts shall be filled up by open competition, but this provision shall not apply to any person holding any office or clerkship at the time of the passing of this Act, nor to any officer of any recorder's court or civil bill court, who may be appointed to be an officer of a local bankruptcy court. The Lord Chancellor shall, with the concurrence of the Civil Service Commissioners, make regulations as to the qualification of candidates and the subjects of examination for such competition:

(5.) Every appointment not made as herein-before provided shall be made by the Lord Chancellor, and every person appointed shall possess such qualifications and may be required to pass such examination as may be from time to time prescribed by Order in Council, and every officer of a local bankruptcy court shall be removable by the Lord Chancellor. Every officer of any recorder's court or civil bill court who shall be appointed to be an officer of a local bankruptcy court shall continue to hold his office in such recorder's court or civil bill court, notwithstanding that any recorder or county court judge who may have appointed him shall have vacated his own office, unless the Lord Chancellor shall otherwise direct.

Powers of official assignee of local court.

9. The rights, powers, duties, and obligations of an official assignee of a local court of bankruptcy shall be similar in all respects to those of the official assignees of the Court of Bankruptcy. All such and the like property, estate, and effects as would vest in the official assignees of the Court of Bankruptcy in the case of proceedings instituted in that court shall vest in the official assignee of the local bankruptcy court where the proceedings are instituted in the local court; and the enactments regulating and affecting the vesting and divesting of any such property, estate, and effects in the official assignees of the Court of Bankruptcy shall also regulate and affect the vesting and divesting of same in the official assignee of a local court of bankruptcy.

Duties of the clerk of the Crown and peace.

10. Every clerk of the Crown and peace, and every registrar, and other officer of any recorder's court or civil bill court holden within the district assigned to a local bankruptcy court, may, if appointed after the passing of the County Officers and Courts (Ireland) Act, 1877, be by Order in Council empowered and required to act also as an officer of the local bankruptcy court, and to discharge such duties in connexion with the jurisdiction of the

local bankruptcy court, being compatible with the due performance of his other duties, as may be prescribed by Order in Council. Every clerk of the Crown and peace upon whom any additional duties are imposed in consequence of this Act who was appointed between the passing of the County Officers and Courts (Ireland) Act, 1877, and this Act, and who elected under the provisions of the sixteenth section of the said Act to continue to practise as a solicitor, may at any time within two years after such additional duties are imposed upon him, declare his election not to continue to practise as a solicitor, and shall thereupon be in the same position with respect to superannuation allowance as he would have been if he had so declared his election not to practise at the time of his acceptance of office.

40 & 41 Vict. c. 56.

Power to make rules and orders.

11. Subject to the provisions of this Act, the times and places for, and the manner of exercising the jurisdiction conferred by or under this Act, and the practice and mode of procedure and the forms to be used, and the fees, costs, and charges to be payable to counsel and solicitors in the local bankruptcy courts, and the powers, authorities, control, and duties of the several officers of the said courts, and all other matters and things, whether similar or not to those herein-before mentioned, in respect of which it may be expedient to make further or additional provision for carrying the purposes of this Act into execution, shall from time to time be regulated, prescribed, defined, and directed by Orders in Council; and provisions may be made by such orders for the discharge by the local registrar during the absence or in case of the incapacity or of a vacancy in the office of the judge of the local bankruptcy court, and otherwise, of such of the jurisdiction, powers, and authorities of the judge of the local bankruptcy court in bankruptcy as it may be deemed expedient to permit the local registrar to exercise. The orders regulating the local bankruptcy courts shall, so far as may be deemed expedient, be assimilated to the rules and orders for the time being in force in the Court of Bankruptcy, and the rules, orders, and practice of the Court of Bankruptcy for the time being shall, so far as the same shall not be inconsistent with this Act, or with any order under this Act, be in force in the local bankruptcy courts. Provision shall be made by such Orders in Council for the due notification to, and registration in, the Court of Bankruptcy, and by the officers thereof, of all adjudications and proceedings in the local bankruptcy courts, which, for the protection of purchasers, creditors, or other persons, or for the simplification of searches or otherwise, it shall be deemed necessary or expedient to register or record in the Court of Bankruptcy.

Fees.

12. The Lord Lieutenant may, with the concurrence of the Treasury, by Order in Council, from time to time fix the fees and percentages to be taken in the local bankruptcy courts in respect of any business under this Act: Provided always, that in fixing such fees and percentages regard shall be had where practicable to the ad valorem principle.

The Public Offices Fees Act, 1879, shall apply to fees taken under this Act.

42 & 43 Vict. c. 58

Salaries and compensation.

13. The Lord Lieutenant, with the concurrence of the Treasury, shall award to the several officers of the local bankruptcy courts appointed under this Act such salaries or annual or other sums as shall be reasonable, having regard in each case to the amount of duty to be performed, and to any fees or percentages which may be received under this Act; such salaries and sums shall be paid out of moneys which shall be provided by Parliament for the purpose. The Treasury shall, out of moneys to be provided by Parliament for the purpose, pay to any existing official assignee of the Court of Bankruptcy whose emoluments shall be reduced by the operation of this Act such annual or other sum or sums by way of compensation for such loss of emoluments as, having regard to the tenure of his office, the length of his service, his remaining emoluments, and the other circumstances of the case, shall to the Treasury appear just and reasonable. If any such official assignee shall refuse to accept or hold any office in a local bankruptcy court which may be offered to him without requiring him to cease to be an officer of the Court of Bankruptcy, the Treasury shall take such refusal into account in reduction of any claim to compensation under this section.

Appeals.

14. An appeal shall, subject to any Order in Council, lie from every order or decision of a local bankruptcy court in the same cases, to the same tribunal, in the same manner, and subject to the same rules as if such order or decision were made by the Court of Bankruptcy or by a judge thereof.

Transfer of proceedings.

15. Where any proceedings are pending in a local bankruptcy court, any of the parties to such proceedings may apply to the Court of Bankruptcy or a judge thereof to order that such proceedings may be transferred to and thenceforward carried on in the Court of Bankruptcy; and in every such case such court or judge may, upon such application, or without such application if it shall appear expedient, on being satisfied that such proceedings can be more efficiently or conveniently carried on in the Court of Bankruptcy, make an order for the transfer of such proceedings, and directing same to be thenceforward carried on in the Court of Bankruptcy, and may make such order as to the costs, if any, incurred before such transfer, and may make such other provision for staying further proceedings in the local bankruptcy court, or for the further prosecution of said proceedings, as may appear expedient; and where any proceedings are pending in the Court of Bankruptcy which might lawfully have been instituted and carried on in any local bankruptcy court, any of the parties to such proceedings may apply to the Court of Bankruptcy or a judge thereof to order that such proceedings may be transferred to and thenceforward carried on in such local bankruptcy court, and in every such case such court or judge may, upon such application or without such application if it shall appear expedient, on being satisfied that such proceedings can be more efficiently or conveniently carried on in such local bankruptcy court, make an order for the transfer of such proceedings and directing such proceedings to be thenceforward carried on in the said local bankruptcy court, and may make such order as to the costs, if any, incurred before such transfer, and may

make such other provision for staying further proceedings in the Court of Bankruptcy, or for the further prosecution of said proceedings, as may appear expedient: and the said court or judge on the hearing of any application for the transfer of proceedings from the Court of Bankruptcy to any local bankruptcy court, or from any local bankruptcy court to the Court of Bankruptcy, shall have due regard to the wishes of the creditors, or the majority of them in number or value, and the grounds for making such order shall be recited therein; and provision may be made by Order in Council for prescribing the mode in which such transfer shall be made, and generally for regulating the same so as to provide for the discharge of bankruptcy business in such of the said courts as may most conveniently and efficiently discharge the same. The provisions of this section shall apply to proceedings subsequent as well as prior to an adjudication by the Court of Bankruptcy or the local bankruptcy court. All such estate and effects as would vest in the official assignees of the Court of Bankruptcy if the proceedings had been instituted in that court shall vest in the official assignee of the local bankruptcy court where the proceedings are instituted in the local court; and where proceedings instituted or pending in either the Court of Bankruptcy or the local bankruptcy court are transferred therefrom to the other of the said courts, then the estate or effects which prior to such transfer were vested in consequence of such proceedings in the official assignees or assignee of the court in which the proceedings were instituted or pending shall by virtue of such transfer become vested in the assignees or assignee of the court to which the proceedings are transferred. If the official assignees or assignee of the court from which such proceedings have been transferred held such property, estate, or effects jointly with any other person or persons, the official assignees or assignee of the court to which such proceedings have been transferred shall also hold same jointly with such person or persons. Any order by the Court of Bankruptcy or a judge thereof under the provisions herein contained may be appealed against in the same manner as any other order of such court or judge.

Court-houses and offices.

16. The Lord Lieutenant may, by Order in Council, from time to time after the passing of this Act, direct that provision shall be made by the several grand juries or town councils having rating powers in the district in which a local bankruptcy court shall be established under this Act, or by some one of them, for the erection of a suitable and convenient court-house and offices, or for the alteration, so as to make the same suitable and convenient, of any existing court-house and offices for the transaction of the business of the local bankruptcy court, and may estimate the sum of money requisite for that purpose, and what proportion of such sum is to be contributed by each such body, and upon such order, and as shall be directed thereby, such grand jury or town council, as the case may be, shall by presentment without application to presentment sessions, out of the county cess or borough fund or borough rate, or such other fund or rate as shall be by such order directed, or by the application to such purposes of any lands or buildings under their control, or by any or all of the ways and means aforesaid,

provide and shall thenceforth maintain such court-houses and offices as may be required for the purposes of this Act: Provided that any court-houses and offices for the time being existing in such place and under the control of such grand jury or town council, or used for any public purpose, may be made available for the purposes of the local bankruptcy court and of this Act in such manner and upon such conditions as may be directed by Order in Council.

Construction of 35 & 36 Vict. c. 57. with reference to Act.

17. All the provisions of the Debtors Act (Ireland), 1872, relative to the punishment of fraudulent debtors, and relative to offences in relation to bankruptcy or arrangement matters, shall be applied with reference to this Act as if the local bankruptcy courts and the proceedings therein were specified in the said Debtors Act (Ireland), 1872, in addition to the Bankruptcy Court and the proceedings therein.

Orders to be submitted to Parliament.

18. Any Orders in Council made in pursuance of any of the provisions of this Act shall, from and after their publication in the Dublin Gazette, be deemed to be within the powers conferred by this Act, and be of the same force as if enacted in this Act, and be judicially noticed, and the same shall be laid before Parliament within three weeks after they are made if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament: Provided always, that if either of the Houses of Parliament shall, within the next subsequent one hundred days on which either of the said Houses shall have sat, resolve that the whole or any part of any such Order in Council ought not to continue in force, in such case the whole or such part thereof as shall be so included in such resolution shall thereupon become void and of no effect, but without prejudice to the validity of any proceeding which may in the meantime have been taken under the same.

CHAPTER 45.

An Act to extend the privileges of the Graduates of the Victoria University. [24th December 1888.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension of privileges of graduates of Victoria University.

1. Wherever any office is or shall be open to graduates of the Universities of Oxford, Cambridge, and London, or wherever any privilege or exemption has been or shall be given by any Act of Parliament or regulation of any public authority to graduates of the Universities of Oxford, Cambridge, and London, graduates of