" allowed on the ground that the consent of the landlord to any " assignment of such lease has not been given, made, or evidenced " in the manner prescribed by the third section of the Act passed in " the seventh year of the reign of King George the Fourth, chapter " twenty-nine, intituled 'An Act to amend the Law of Ireland 7 Geo. 4. " 'respecting the assignment and subletting of lands and tene- c. 29. s. 3. " 'ments,' when the landlord has consented to such assignment, and " such consent has been established by evidence satisfactory to the " court," were inserted therein after the figures "1860".

CHAPTER 60.

An Act to amend the Law with respect to Preferential Payments in Bankruptcy in the Administration of Insolvent Estates, and in the winding up of Companies in Ireland. [30th August 1889.]

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:

1. This Act may be cited as the Preferential Payments in Bankruptcy (Ireland) Act, 1889. Short title.

2. This Act shall not apply to England or Scotland. Extent of Act.

3. This Act shall, except as in this Act specially provided, come into operation on the first day of January one thousand eight hundred and ninety, which date is in this Act referred to as the commencement of this Act. Commencement of Act.

4.—(1.) In the distribution of the property of any bankrupt, notwithstanding anything in the forty-ninth section of the Bankruptcy (Ireland) Amendment Act, 1872, or the two hundred and forty-ninth section of the Irish Bankrupt and Insolvent Act, 1857, and in the distribution of the assets of any company being wound up under the Companies Act, 1862, and the Acts amending the same; notwithstanding anything in any of the said Acts, there shall be paid in priority to all other debts,— Priority of debts. 35 & 36 Vict. c. 58. 20 & 21 Vict. c. 60. 25 & 26 Vict. c. 89.

(*a.*) All parochial or local rates due from the bankrupt or the company at the date of the order of adjudication, or of the commencement of the winding up, as the case may be, and having become due and payable within twelve months next before such times respectively, and all property or income tax assessed on the bankrupt or the company up to the fifth day of April next before the date of the order of adjudication or the commencement of the winding up, as the case may be, and not exceeding in the whole one year's assessment;

(*b.*) All wages or salary of any clerk or servant of the bankrupt or the company in respect of services rendered to the bankrupt or the company during four months before the date of the order of adjudication, or the commencement of the winding up, as the case may be, not exceeding fifty pounds; and

(*c.*) All wages of any labourer or workman of the bankrupt or the company not exceeding twenty-five pounds, whether payable for time or for piece work, in respect of services rendered to the bankrupt or the company during two months before the date of the order of adjudication or the commencement of the winding up, as the case may be: Provided that where any labourer in husbandry has entered into a contract for the payment of a portion of his wages in a lump sum at the end of the year of hiring, he shall have priority in respect of the whole of such sum, or such part thereof as the Court may decide to be due under the contract, proportionate to the time of service up to the date of the order of adjudication or the commencement of the winding up, as the case may be.

(2.) The foregoing debts shall rank equally between themselves and shall be paid in full, unless the property of the bankrupt, or the assets of the company, as the case may be, is or are insufficient to meet them, in which case they shall abate in equal proportions between themselves.

(3.) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the foregoing debts shall be discharged forthwith, so far as the property of the bankrupt or the assets of the company, as the case may be, is or are sufficient to meet them.

(4.) In the event of a landlord or other person distraining or having distrained on any goods or effects of a bankrupt or any company within three months next before the date of the order of adjudication or of the order for winding up, as the case may be, the debts to which priority is given by this section shall be a first charge on the goods or effects so distrained on, or the proceeds of the sale thereof:

Provided that in respect of any money paid under any such charge the landlord or other person shall have the same rights of priority as the person to whom such payment is made.

(5.) This section shall apply in the case of a bankruptcy only where the order of adjudication is made after the commencement of this Act, and in the case of a company, only where the winding up commences after the commencement of this Act.

(6.) Subsections one, two, three and five of this section shall apply in the case of an arranging debtor under the provisions of the Irish Bankrupt and Insolvent Act, 1857, and the Bankruptcy (Ireland) Amendment Act, 1872, as if he were a bankrupt, and as if the date of the filing of the petition for arrangement were substituted for the date of the order of adjudication.

20 & 21 Vict. c. 60.
35 & 36 Vict. c. 58.

(7.) Any creditor who, in the case of an arrangement, votes in respect of any debt to which priority is given by this Act for or against the acceptance or confirmation of the debtor's proposal or any modification thereof, or who, in the case of a composition after bankruptcy, votes in respect of any such debt for or against the acceptance or confirmation of the bankrupt's offer of composition, shall by so voting be deemed to have abandoned any rights under subsection one of this section, and shall be remitted to such rights (if any) in respect of any of the debts therein mentioned as such creditor would have had if this Act had not passed.

(8.) This section shall apply in the case of a deceased person who dies insolvent after the commencement of this Act, as if he were a bankrupt, and as if the date of his death were substituted for the date of the order of adjudication in bankruptcy.

No action for preferential debt.

5. The word "dividend," wherever it occurs in section two hundred and ninety-three of the Irish Bankrupt and Insolvent Act, 1857, or in section one hundred and twelve of the Bankruptcy (Ireland) Amendment Act, 1872, shall include the amount of any debt to which priority is given by this Act.

20 & 21 Vict. c. 60.
35 & 36 Vict. c. 58.

Savings.

6. Nothing in this Act shall alter the effect of the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter eighty-six, intituled "An Act to amend the law of partnership," or shall prejudice the provisions of the Friendly Societies Act, 1875.

28 & 29 Vict. c. 86.
38 & 39 Vict. c. 60.

General orders in bankruptcy.

7.—(1.) The Judges of the Court of Bankruptcy in Ireland as regards the said Court may, at any time after the passing of this Act, and from time to time, make such general orders as they may think fit in respect of the proof and payment, in bankruptcy and arrangement matters, of the debts to which priority is given by this Act, and generally for the effectual execution of this Act and of the objects thereof so far as relates to such matters, and may from time to time alter or revoke such orders; but all such orders shall be made with the approval and subject to the conditions mentioned in section one hundred and twenty-four of the Bankruptcy (Ireland) Amendment Act, 1872.

35 & 36 Vict. c. 58.

(2.) The Lord Lieutenant of Ireland, as regards the local courts of bankruptcy, by Order in Council may, at any time after the passing of this Act and from time to time, make orders in respect of the matters and for the purposes aforesaid, and may from time to time alter or revoke such orders; but all such orders shall be made subject to the conditions mentioned in section eighteen of the Local Bankruptcy (Ireland) Act, 1888.

51 & 52 Vict. c. 44.

Repeal.

8. The Companies Act, 1883, is hereby repealed as regards its application to Ireland.

46 & 47 Vict. c. 28.