Short title.

1. This Act may be cited as the Court of Bankruptcy (Ireland) Officers and Clerks Act, 1881.

Reconstitution of official staff. 20 & 21 Vict. c. 60.

2. From and after the passing of this Act, the thirty-eighth section of the Irish Bankrupt and Insolvent Act, 1857, shall be and is hereby repealed. But neither this repeal nor any other enactment contained in this Act shall be construed to lessen or affect any right to which any officer of the Court of Bankruptcy in Ireland, who is in office at the passing of this Act, may be entitled; and all such rights shall continue and exist as if this Act had not been passed. Subject to such rights, the official staff of the Court of Bankruptcy in Ireland shall, notwithstanding any enactment to the contrary, consist of such officers, clerks, and persons holding subordinate situations, with such titles and designations respectively, as the judges of the Court may, by general order made with the approval of the Lord High Chancellor of Ireland and the concurrence of the Commissioners of Her Majesty's Treasury, from time to time direct: Provided, however, that no vacancy among such officers, clerks, or persons shall be filled up without the concurrence of the Commissioners of the Treasury.

Salaries.

3. Each such officer, clerk, and person shall be paid such salary, out of money to be provided by Parliament, as the judges of the Court, with the approval of the said Lord High Chancellor and the concurrence of the Commissioners of the Treasury, may from time to time determine.

Mode of filling future vacancies in junior clerkships.

4. All junior clerkships in the said Court shall be filled up by open competition, but this provision shall not apply to any person holding any office or clerkship in the Court at the time of the passing of this Act.

CHAPTER 24.

An Act to amend the Law respecting the Service of Process of Courts of Summary Jurisdiction in England and Scotland. [18th July 1881.]

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 Summary Jurisdiction (Process) Act, 1881.

This Act shall be deemed to be included in the expressions "Summary Jurisdiction Acts" and "Summary Jurisdiction (English) Acts."

Extent of Act.

2. This Act shall not apply to Ireland.

Commencement of Act.

3. This Act shall come into operation on the first day of October one thousand eight hundred and eighty-one (which day is in this Act referred to as the commencement of this Act).

Service of process of English

4. Subject to the provisions of this Act, any process issued under the Summary Jurisdiction Acts may, if issued by a court of sum-

mary jurisdiction in England and endorsed by a court of summary jurisdiction in Scotland, or issued by a court of summary jurisdiction in Scotland and endorsed by a court of summary jurisdiction in England, be served and executed within the jurisdiction of the endorsing court in like manner as it may be served and executed within the jurisdiction of the issuing court, and that by an officer either of the issuing or of the endorsing court. court in Scotland and of Scotch court in England.

For the purposes of this Act—

(1.) Any process may be issued and endorsed under the hand of any such person as is declared by this Act to be a court of summary jurisdiction, and may be endorsed upon proof alone of the handwriting of the person issuing it, and such proof may be either on oath or by such solemn declaration as is mentioned in section forty-one of the Summary Jurisdiction Act, 1879, or by any like declaration taken in Scotland before a sheriff, justice of the peace, or other magistrate having the authority of a justice of the peace. Such indorsement may be in the form contained in the schedule to this Act annexed, or in a form to the like effect: 42 & 43 Vict. c. 49.

(2.) Where any process requiring the appearance of a person to answer any information or complaint has been served in pursuance of this section, the court, before issuing a warrant for the apprehension of such person for failure so to appear, shall be satisfied on oath that there is sufficient primâ facie evidence in support of such information or complaint:

(3.) If the process is to procure the attendance of a witness, the court issuing the process shall be satisfied on oath of the probability that the evidence of such witness will be material, and that the witness will not appear voluntarily without such process, and the witness shall not be subject to any liability for not obeying the process, unless a reasonable amount for his expenses has been paid or tendered to him:

(4.) This Act shall not apply to any process requiring the appearance of a person to answer a complaint if issued by an English court of summary jurisdiction for the recovery of a sum of money which is a civil debt within the meaning of the Summary Jurisdiction Act, 1879, or if issued by a Scotch court in a case which falls within the definition of "civil jurisdiction" contained in the Summary Procedure Act, 1864.

5. Where a person is apprehended under any process executed in pursuance of this Act, such person shall be forthwith taken to some place within the jurisdiction of the court issuing the process, and be there dealt with as if he had been there apprehended. Provision as to execution of process.

A warrant of distress issued in England when endorsed in pursuance of this Act shall be executed in Scotland as if it were a Scotch warrant of poinding and sale, and a Scotch warrant of poinding and sale when endorsed in pursuance of this Act shall be executed in England as if it were an English warrant of distress,

and the enactments relating to the said warrants respectively shall apply accordingly, except that any account of the costs and charges in connexion with the execution, or of the money levied thereby or otherwise relating to the execution, shall be made, and any money raised by the execution shall be dealt with in like manner as if the warrant had been executed within the jurisdiction of the court issuing the warrant.

Provision as to bastardy proceedings in England and Scotland.

6. A court of summary jurisdiction in England and a sheriff court in Scotland shall respectively have jurisdiction by order or decree to adjudgea person within the jurisdiction of the court to pay for the maintenance and education of a bastard child of which he is the putative father, and for the expenses incidental to the birth of such child, and for the funeral expenses of such child, notwithstanding that such person ordinarily resides, or the child has been born, or the mother of it ordinarily resides, where the court is English, in Scotland, or where the court is Scotch, in England, in like manner as the court has jurisdiction in any other case.

Any process issued in England or Scotland to enforce obedience to such order or decree may be endorsed and executed in Scotland and England respectively in manner provided by this Act with respect to process of a court of summary jurisdiction.

Any bastardy order of a court of summary jurisdiction in England may be registered in the books of a sheriff court in Scotland, and thereupon a warrant of arrestment may be issued in like manner as if such order were a decree of the said sheriff court.

Saving.

7. This Act shall be in addition to and not in derogation of any power existing under any other Act relating to the execution of any warrant or other process in England and Scotland respectively.

Definitions.

8. In this Act, unless the context otherwise requires,—

The expression "process" includes any summons or warrant of citation to appear either to answer any information or complaint, or as a witness; also any warrant of commitment, any warrant of imprisonment, any warrant of distress, any warrant of poinding and sale, also any order or minute of a court of summary jurisdiction or copy of such order or minute, also an extract decree, and any other document or process, other than a warrant of arrestment, required for any purpose connected with a court of summary jurisdiction to be served or executed.

42 & 43 Vict. c. 49. 27 & 28 Vict. c. 53.

The expression "Summary Jurisdiction Acts" as regards England has the same meaning as in the Summary Jurisdiction Act, 1879, and as regards Scotland, means the Summary Procedure Act, 1864, and any Act, past or future, amending that Act.

The expression "sheriff" shall include sheriff substitute.

The expression "court of summary jurisdiction" means any justice of the peace, also any officer or other magistrate having the authority in England or Scotland of a justice of the peace, also in Scotland the sheriff.

The expression "officer of a court of summary jurisdiction" means the constable, officer, or person to whom any process issued by the court is directed, or who is by law required or authorised to serve or execute any process issued by the court.

SCHEDULE.

INDORSEMENT IN BACKING A PROCESS.

WHEREAS proof hath this day been made before me, one of Her Majesty's justices of the peace [sheriff *or other magistrate*] for the [county *or* burgh] of , that the name of *A.B.* to the within warrant [*or* summons *or* order *or* minute, *or* copy of order *or* minute *or other document*] subscribed is of the handwriting of the justice of the peace [sheriff *or other magistrate*] within mentioned, I do therefore hereby authorise *C.D.* who bringeth to me this warrant [*or* summons *or* order *or* minute, *or* copy of order *or* minute *or other document*,] and all other persons by whom the same may be lawfully served [*or* executed], and also all constables and other peace officers of the said [county *or* burgh] of to serve and execute the same within the said last-mentioned [county *or* burgh].

Given under my hand this day of 18 .

CHAPTER 25.

An Act to extend for a period not exceeding Three Years the term fixed for the Repayment of Loans granted by the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy to Incumbents of Benefices. [11th August 1881.]

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:

Power to Governors of Queen Anne's Bounty to extend period for repayment of loans, &c.

1. The Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy (herein-after called the "Governors") may by resolution passed by them at a board meeting, from time to time extend for a period not exceeding three years the term fixed for the repayment of any money lent by them to or for the incumbent of any benefice under the powers of one or more of the Acts enumerated in the Schedule hereto, such extension of term to be accompanied, at the discretion of the Governors, by the suspension for one, two, or three years of the payment of the annual instalment of principal due or to become due from the incumbent; such suspended annual instalments to be subsequently payable by the incumbent for the time being in respect of the year or years which by the aforesaid extension shall have been added to the term created by the mortgage affected thereby, and begin to accrue due as soon as the residue of the principal money shall have become repayable.

Limitation of duration of discretionary powers.

2. The discretionary powers given by this Act shall not be exercisable beyond three years from the passing hereof, and the application of the provisions of this Act shall not in any way invalidate the instruments of security under which loans have been or may be granted by the Governors; the said provisions shall extend and apply to such instruments as if originally fully and expressly inserted therein; provided always, that the foregoing