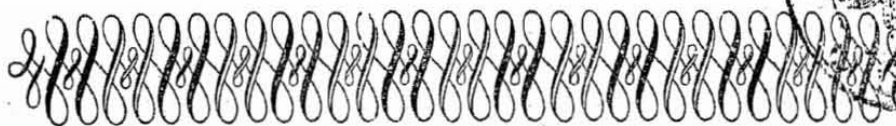
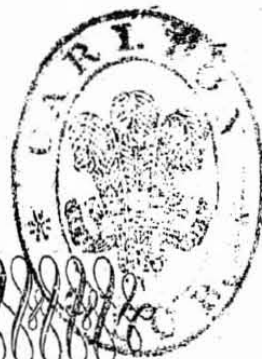


7 February 1859. 22 VICT.



(Ireland.)

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B I L L

FOR

The Abolition of Receivers under the Court of
Chancery in Ireland in certain Cases, and for
giving further Facilities to the Sale of Incumbered
Estates.

- W**HEREAS the Practice of placing Estates in Ireland under the Management of Receivers appointed by the High Court of Chancery has an injurious Tendency, and it is expedient to discontinue the same, save where the Custody of such
5 Property by the Court is indispensable: 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, as follows:
- 10 I. From and after the *Second Day of November next* it shall not be lawful for the High Court of Chancery in Ireland, save as herein-
after mentioned, to appoint Receivers to receive the Rents and Profits of any Land or Premises in any Cause or Matter instituted for the
Purpose of enforcing Payment of any Debt or Demand, or Interest
15 thereon, for Discharge of which the said Court, or the Landed Estates Court, Ireland, at the Time of the Commencement of such Cause or Matter, shall respectively have Jurisdiction to decree or order a Sale
[Bill 8.]
- Preamble.
Receiver not to be appointed where a Sale may be had.
of

of such Lands in any Cause or Matter properly constituted for that Purpose: Provided that no thing in this Act contained shall extend to affect the Jurisdiction of the Court to appoint Receivers, under the Provisions of the several Acts "to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with 5 such Drainage, in Ireland," or to appoint Receivers for the Payment of Tithe Rentcharge, or shall prevent the making of any Order to extend Receivers already appointed.

Exception
where Sale
inexpedient
or in-
applicable.

II. Nothing in this Act contained shall operate to prevent the said Court of Chancery from appointing a Receiver over Lands in any Case 10 in which it shall appear to the said Court that an immediate Sale would not be a Remedy expedient or applicable to the Case.

Exception
where Trust
for Sale or
for Payment
of Debts, and
no Person
competent to
receive
Rents.

III. Nothing in this Act contained shall operate to prevent the Ap-
pointment of a Receiver over Lands where a Suit or Petition for a Sale
shall be pending in the said Court of Chancery or the said Landed 15
Estates Court, founded on a Trust for the Sale of such Lands, or Trust
for the Payment of Debts and Incumbrances thereout, where there is
no Trustee legally competent to receive the Rents thereof and give
Discharges for the same, or where, there being such Trustee or Trustees,
the Court shall think fit to remove the same, or such Trustee or Trus- 20
tees refuse to act, or are incompetent to act, or is or are absent from
the Country, or it shall appear to the Court that there is any other
substantial Obstacle to the Collection of such Rents.

Where
Estate small,
such Title as
Debtor has
to be given
to Purchaser,
and accepted
by him.

IV. In every Suit instituted in the Court of Chancery by a Creditor
for the Sale of Land, not falling within the Provisions of an Act passed 25
in the present Session of Parliament, designated "The Judgment
Act, Ireland, 1859," it shall be lawful for such Court, if it shall
think fit, when the ordinary Course of Procedure of the Court in
relation to such Sales would be contrary to the Interest of the Parties,
by reason of the small Value of the Land to be sold, or the Expense or 30
Difficulty of making out Title thereto, to make an Order for the Sale of
such Estate as the Owner may have in such Land, and thereupon to set
up and sell the same, subject to all Defects of Title, pursuant to public
Advertisement, which shall state that Persons intending to purchase
shall be at liberty previously to the Day of Sale to inspect the Abstract 35
of Title in the Office of the Solicitor having the Conduct of such Sale.

Power to
discharge
existing
Receivers.

V. After this Act shall come into operation, it shall be lawful for
the said Court, if it shall see fit, to call upon the Parties to any Cause
or Matter in which a Receiver over Land shall have been previously
appointed to show Cause why such Receiver should not be discharged; 40
and if it shall appear to the Court that under the existing Circum-
stances

stances of the Estate and the Cause or Matter, the Court would, under the Provisions of this Act, have then, upon an original Application for a Receiver, refused to appoint a Receiver in the same, it shall be lawful for the Court, if it so think fit, to discharge such Receiver, upon such Terms and Conditions as to the said Court shall seem just and expedient.