

8 June 1814.

295


(Ireland.)

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B I L L

To amend an Act, made in the last Session of
Parliament, for the Relief of Insolvent Debtors
in *Ireland*.

Note.—The Figures in the Margin denote the number of the Folios
in the written Copy.

- 1  HEREAS by an Act, made in the last Session of
Parliament, for the Relief of Insolvent Debtors in *Ireland*,
it is Enacted, "That it shall be lawful for every Person who
shall be a Prisoner in any Prison in *Ireland*, upon any Process whatsoever,
issuing from any Court whatsoever, for or by reason of any Debt,
Damages, Costs, sum or sums of Money, or contempt for Nonpay-
ment of Money, and who shall have been in Custody upon some Process
for some or one of the said Debts or Demands, during the space of Three
calendar Months or more, to apply by Petition in a summary way to the
Court from whence such Process issued, for his or her Discharge from such
Confinement, according to the Provisions of the said recited Act:" And
it is also by the said recited Act enacted, "That if any Person shall be
confined under the Process of Two or more Courts, then if any one of
the said Courts shall be one of His Majesty's superior Courts in *Dublin*,
such Petition shall be presented to such Court; and if all such Courts,
or any Two or more of them, shall be such superior Courts, that then
and in such case, such Petition shall be presented to such of the said
superior Courts under whose Process such Person shall have been first
detained in custody; and if all the said Courts shall be inferior Courts,
then if such Prisoner shall be so detained in the County of *Dublin*, or
County of the City of *Dublin*, such Petition shall be presented to the
Court of Common Pleas; and if in any other part of *Ireland*, then such
Petition shall also be addressed to the said Court of Common Pleas,
with power to the said Court either to proceed on such Petition, or to
give Authority to the Judge or Judges of Assize for the County, County
of
- 223.

Preamble:
53 Geo. III.
c. 138. § 2;
empowering
Courts to dis-
charge Insol-
vent Debtors.

§ 5.

§ 11.

of a City, or County of a Town, in which any such Prisoner shall be detained, to proceed as in the said Act is mentioned :” And it is further Enacted, “ That in case the Court to whom any Prisoner shall apply to be discharged, according to the Directions of the said recited Act, shall be of opinion that such Prisoner is entitled to the benefit of the said Act, then and in such case the said Court shall so order and adjudge :” 3

AND whereas, in the said recited Act, divers Clauses and Provisions are contained, for empowering the said Courts respectively to whom any such Prisoner shall apply to be discharged, to give Judgment, and to make divers Orders, and to do divers matters and things, with respect to the discharge of all Prisoners so applying, and with respect to the Assignment and Application of the Estate and Effects of such Prisoners, as in the said recited Act is fully and at large mentioned and set forth :

AND whereas it is expedient, that any one Judge of any Court in *Ireland*, to whom any Prisoner shall apply to be discharged under the Provisions of the said recited Act, should have power to receive the Petition, and to direct the discharge of such Prisoners, and to do all such other matters and things respecting the discharging or remanding of any such Prisoner, as by the said recited Act the Court to which such Prisoner shall apply is empowered to do, provided such Prisoner shall not have had an opportunity of applying to such Court ; 4

BE it therefore Enacted by The KING'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, THAT from and after the

Insolvent
Prisoners may
be discharged
in Vacation, by
one Judge of
any Court.

it shall be lawful for every Person who shall be a Prisoner in any Prison in *Ireland*, upon any Process whatsoever, issuing from any Court whatsoever, for or by reason of any Debt, Damage, Costs, sum or sums of Money, or contempt for Nonpayment of Money, and who shall have been in Custody upon some Process for some or one of the said Debts or Demands, during the space of calendar Months or more, and who shall not have been so in custody in time to enable him or her to apply by Petition to the Court in Term time, to apply in Vacation to any Judge of such Court by Petition ; and it shall be lawful for such Judge in Vacation time to receive such Petition and any Schedule annexed thereto, and to proceed in hearing the matter of such Petition, and to pronounce any such Judgment, and to make all such Orders, and to give all such Directions, and to do all such other matters and things requisite for the discharging or remanding of such Prisoner, and for the Assignment and Application of the Estate and Effects of such Prisoner ; and such Judge shall have such Power to discharge or to remand such Prisoner, and in all other respects to act and do, with respect to such Prisoner, and with respect to the Petition of such Prisoner, and the matter of the same, and with respect to the Estate and Effects of such Prisoner, and with respect to the Creditors of such Prisoner, as such Court could or might do under or by virtue of the said recited 5

recited Act, if such Petition had been presented to such Court in open Court, during the sitting of the said Court; anything in the said recited Act to the contrary notwithstanding: And all Judgments, Orders, Directions, Proceedings, Acts, Matters and Things, for or relating to the discharging or remanding of any such Prisoner, so made, given, taken or done by such Judge, shall be as good valid and effectual to all intents and purposes, as if such Judgments, Orders, Directions, Proceedings, Acts, Matters and Things had been done by the said Court, in open Court, during the sitting of the said Court, to all intents and purposes whatsoever.

AND whereas Prisoners claiming the benefit of the said Act, or this Act, may be liable to be deprived of such benefit on account of mere matters of form, or errors or omissions in their Petitions, Schedules or other Proceedings directed by the said Act; BE it therefore Enacted, That it shall and may be lawful to and for the Court or Judge to whom any Prisoner shall apply under the said recited Act, or this Act, to be discharged under the Provisions of the said Act, or this Act, to amend all matters of form, and to supply any omissions, and to correct any errors in the Petition, Schedules or other Proceedings directed by the said recited Act, or this Act, in case the same shall appear to the said Court or Judge to have arisen from Ignorance, Mistake or Inadvertency, and not to have been wilful or fraudulent; anything in the said recited Act or this Act to the contrary notwithstanding.

Court or Judge may amend Schedules, &c.

And be it further Enacted, That in case any Prisoner who shall have been discharged or remanded under or by virtue of an Act made in the Parliament of *Ireland*, in the Thirty-seventh year of His present Majesty's Reign, intituled, "An Act for the Relief and Maintenance of Insolvent Debtors detained in Prison," or of an Act made in the Fiftieth year of His present Majesty's reign, to extend and amend the Provisions of the said recited Act of the Thirty-seventh year of His present Majesty's reign, shall present a Petition to any Court or Judge, for the purpose of taking the Benefit of the said recited Act of last Session of Parliament, or this Act; it shall and may be lawful for such Court or Judge to receive such Petition and any Schedule annexed thereto, and to discharge such Prisoner, in case such Court or Judge shall think fit so to do, upon his conforming to the Directions of the said recited Act of the last Session of Parliament, or this Act; although such Prisoner may have been discharged or remanded under the Provisions of the said recited Acts of the Thirty-seventh and Fiftieth years of His present Majesty's reign, or either of them, at any time within the period of years previous to the presenting such Petition by such Petitioner, under the said recited Act of the last Session of Parliament, or this Act; anything in the said recited Act of the last Session of Parliament to the contrary in anywise notwithstanding.

Prisoners discharged or remanded under 37 G. III. (1.) c. 49, or 50 Geo. III. c. 47, may take the benefit of 53 Geo. III. c. 138.

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Ordered, by The House of Commons, to be printed,
8 June 1814.
