



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

C A P. XCV.

An Act for consolidating the Four Courts Marshalsea, *Dublin*, Sheriffs Prison, *Dublin*, and City Marshalsea, *Dublin*, and for regulating the Four Courts Marshalsea in *Ireland*.

[10th *August* 1842.]

WHEREAS the Sheriff's Prison in the County of the City of *Dublin* is a Prison for Debtors confined under Process from the Courts of Queen's Bench, Common Pleas, and Exchequer in *Ireland*, and also for Persons under Process from the Recorder's Court, *Dublin*, directed to the Sheriff of the County of the City of *Dublin*: And whereas Persons arrested for Debt under the Warrant of the Coroner of the County of the City of *Dublin* are now confined in the Gaol of *Newgate* within the said County of the City of *Dublin*: And whereas the City Marshalsea in *Dublin* is a Prison in which Persons arrested under Decrees, Warrants, and Process of the Court of Conscience and Lord Mayor's Court of the said County of the said City of *Dublin* are confined: And whereas by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her Majesty, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for*

3 & 4 Vict.
c. 105.

3 & 4 Vict.
c. 108.

Four Courts
Marshalsea
to be the
only Prison
for the Con-
finement of
Debtors, &c.

the further Amendment of the Law and the better Advancement of Justice, in Ireland, Arrest on Mesne Process in Civil Actions, except in certain Cases, was abolished, and very few Persons are now committed to the Sheriffs Prison, and very few Persons are now committed for Debt to Newgate: And whereas by the Operation of an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her Majesty, intituled An Act for the Regulation of Municipal Corporations in Ireland, Arrest on the Decrees of the Court of Conscience of the said County of the said City of Dublin will shortly be abolished, and very few Persons will hereafter be committed to the said City Marshalsea: And whereas, by reason of the several Matters aforesaid, the Prison of the Four Courts Marshalsea, Dublin, will be sufficient to contain all the Persons who are now imprisoned within the said Sheriffs Prison and the said City Marshalsea, and all the Persons who are now or shall be imprisoned for Debt in Newgate, or who shall hereafter be taken in Execution of Process of the said several Courts, or other legal Process, under which Persons might have been committed to the said Four Courts Marshalsea, the said City Marshalsea, and Sheriffs Prison: 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, That after the passing of this Act the Prison of the said Four Courts Marshalsea shall be the only Prison for all Debtors, Bankrupts, or other Persons who before the passing of this Act might lawfully have been imprisoned in any of the said Prisons of the Four Courts Marshalsea, the City Marshalsea, or the Sheriffs Prison, and also for all Persons who before the passing of this Act might lawfully have been imprisoned for Debt in Newgate; and that after the passing of this Act no Person shall be committed by any of the said Courts, or by other legal Process, to the said City Marshalsea or Sheriffs Prison, or for Debt to Newgate; and that the Persons imprisoned in the Four Courts Marshalsea shall be there in the Custody of the Marshal, from whatever Court or by whatever legal Process they shall severally have been committed; and all Securities taken by any Officer of the Four Courts Marshalsea for the Performance of his Duty respecting Prisoners now confined in the said Four Courts Marshalsea shall enure for securing the Performance of the like Duty respecting the Prisoners who shall be confined in the same Prison under this Act; and all Rules, Orders, and Enactments now in force respecting the Prisoners now in the same Prison, and respecting all Fees, Rates for Lodging, and other Accommodations, and other Sums payable by Prisoners therein, and the Receipt and Application thereof, shall be taken to apply in all respects to all the Prisoners who shall be confined therein under this Act, and to all Fees, Rates for Lodging and other Accommodations, and other Sums, payable by them, and to the Receipt and Application thereof, subject to the Provisions herein-after contained: Provided always, that until the Removal of the Debtors from Newgate, and of the Persons now imprisoned in the City Marshalsea and the Sheriffs Prison, as herein-after provided, such Persons may be lawfully detained within the Prison in which they are now severally confined, and shall be there in the same Custody and subject to all the Rules now in force respecting such
Prisoners,

Prisoners, as if this Act had not been made: Provided also, that until the Period when, pursuant to the Provisions of the herein-before recited Act of the Third and Fourth Years of Her Majesty's Reign, for the Regulation of Municipal Corporations in *Ireland*, Arrest under the Decrees of the Court of Conscience in *Dublin* shall cease, the City Marshalsea shall be and continue the Prison for all such Persons as shall be arrested under Decrees of that Court.

City Marshalsea to be continued for a certain Time.

II. And be it enacted, That within One Calendar Month after the passing of this Act the Keeper of the Sheriffs Prison and the Keeper of the City Marshalsea shall severally certify under their Hands, to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, a true List of the Names of the Prisoners then in their Custody, with the several Causes and Times of their Commitments, and the Governor of *Newgate* shall in like Manner certify a true List of the Prisoners confined in *Newgate* for Debt; and as soon thereafter as the Four Courts Marshalsea can be conveniently made ready for the Reception of the Prisoners to be removed under this Act, the said Lord Lieutenant or other Chief Governor or Governors shall issue his or their Warrants from Time to Time, severally directed to the Keeper of the Sheriffs Prison, the Keeper of the City Marshalsea, and the Governor of *Newgate*, requiring them respectively to deliver into the Custody of the Marshal of the Four Courts Marshalsea those of the Persons then in their Custody as shall be mentioned in such Certificates, or such of them as shall be named in any such Warrant; and upon the Receipt of any such Warrant the said Keepers and Governor shall respectively deliver into the Custody of the said Marshal the Persons named in the said Certificates or Warrants, with the several Warrants of Commitment or other Process under which the Persons delivered were arrested or detained in Custody, and the Removal of any such Prisoners in obedience to such last-mentioned Warrant shall not be construed an Escape; and if any Person named in any such Warrant of the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall have been lawfully discharged out of the Custody of the said Keeper of the Sheriffs Prison or of the said Keeper of the City Marshalsea, or of the said Governor, before the Execution of the Warrant, the said Keeper of the Sheriffs Prison or the said Keeper of the City Marshalsea, or the said Governor, as the Case may be, shall certify the Fact under his Hand to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and shall deliver such Certificate to the Marshal of the Four Courts Marshalsea.

Prisoners to be removed by Warrant of the Lord Lieutenant.

III. And be it enacted, That as soon as all the Prisoners confined in the said Sheriffs Prison shall have been discharged or removed under this Act unto the Custody of the said Marshal, all Records, Books, and Papers in the Custody of any Officer of the Sheriffs Prison, relating to the Business of the said Prison, shall be delivered to the said Marshal, and the Offices of Keeper, Turnkey, Watchmen, and other Officers of said Sheriffs Prison shall be abolished; and as soon as all the Prisoners confined in the City Marshalsea shall have been discharged or removed under this Act into the Custody of the said

Abolition of Offices of Sheriffs and City Marshalsea Prisons.

said Marshal, and after Arrest on the Decrees of the Court of Conscience shall have been abolished, all Records, Books, and Papers in the Custody of any Officer of the said Prison, relating to the Business of the said Prison, shall be delivered to the said Marshal, and the Offices of Keeper, Watchmen, and all other Offices of the said City Marshalsea shall be abolished.

Grand Jury
not to make
Present-
ments for
Sheriffs
Prison;

IV. And be it enacted, That from and after the Abolition of the said Offices of the Sheriffs Prison it shall not be lawful for the Grand Jury of the County of the City of *Dublin* to present any Sum whatever for or to the Support of the said Sheriffs Prison, or to or for any Office thereunto belonging, save as herein-after mentioned.

or City Mar-
shalsea.

V. And be it enacted, That from and after the Abolition of the Offices of the said City Marshalsea the said Grand Jury shall make no Presentment in respect of the said Marshalsea, save for such Debts as may have been incurred for the Support of poor Prisoners in the said City Marshalsea prior to the Period of its Abolition, in respect of which Presentments might have been made by the said Grand Jury if this Act had not been passed, and save and except as herein-after excepted.

Compensa-
tion to Of-
ficers.

VI. And be it enacted, That it shall and may be lawful to and for the Commissioners of Her Majesty's Treasury, or any Three or more of them, upon Memorial from the several Persons who shall have filled such Offices so abolished as herein-before mentioned, by a Warrant or Warrants under their Hands, to direct and appoint the Amount of Compensation (if any) to which the said Persons may in their Opinion be severally entitled in right of their Offices, regard being had to the Manner of their Appointment, and the Tenure and Duties of their Offices, and the Nature and Permanency of the Emoluments and Salaries thereof; and such Warrant or Warrants shall state the Amount of Compensation (if any), and how the same is to be paid, whether as a Sum in gross or by way of Annuity; and such Commissioners of Her Majesty's Treasury shall cause a Duplicate of such Warrant or Warrants, so far as the same relate to the Offices of the Sheriffs Prison hereby abolished, to be transmitted to the Secretary of the said Grand Jury of the County of the City of *Dublin*, who shall lay the same before the Grand Jury of the County of the City of *Dublin* at the Presenting Term during or next after which he shall receive the same; and thereupon such Grand Jury, and every subsequent Grand Jury for the said County of the said City of *Dublin*, shall and they are hereby required from Time to Time to present the Sums mentioned in such Warrant whenever they shall become due and payable by virtue of such Warrant, so far as the same relates to such last-mentioned Offices, and the same shall be paid to the several Persons entitled, according to the Provisions of such Warrants, in like Manner as other Sums presented, raised, and levied by the said Grand Jury Presentments are or shall be paid to the Parties entitled thereto; and such Warrant or Warrants, so far as the same relate to the Offices of the City Marshalsea, shall distinguish the Portion of such Compensation properly chargeable on the Funds of the Right Honourable the Lord Mayor, Aldermen, and

Burgesses

Burgesses of *Dublin*, in respect of any Salaries, Fees, or Emoluments heretofore payable by such Corporation, and shall direct Payment of such Portion of such Compensation to be made by them; and the Residue of such Compensation shall be charged upon and issued and paid out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*; and a Duplicate of such Warrant or Warrants, so far as the same relate to the Offices of the City Marshalsea, shall be transmitted to the Town Clerk of the said City of *Dublin*, who shall lay the same before the Council of the said City at their next Meeting, or as soon as conveniently may be, and the said Council shall from Time to Time order the Treasurer of the said City to pay severally to the Person mentioned in such Warrant the Sums specified therein, and directed to be paid by the said Corporation; and the said Treasurer shall thereon pay the said Sums to the said Persons, according to the Provisions of such Warrants: Provided always, that a Copy of every such Warrant for Compensation shall be laid before the Commons House of Parliament within Fourteen Days next after the Date thereof, if Parliament shall be then assembled, and if Parliament shall not be assembled, then within Fourteen Days after the Meeting of Parliament then next following.

VII. And whereas great Expence has resulted from Persons in the Four Courts Marshalsea receiving the Pauper Allowance there for any Period of Time that they think proper to remain in Prison, without any Effort to obtain their Discharge from Prison by due Course of Law; be it therefore enacted, That no Person in future shall be entitled to receive the Gaol Allowance without subscribing to the following Declaration, which the Marshal of the Four Courts or his Deputy is hereby authorized to administer:

No Person to receive Gaol Allowance without subscribing Declaration.

‘ I *A. B.* do solemnly declare, That I *A. B.*, a Prisoner in the Four Courts Marshalsea, have no Means whatever, directly or indirectly, of supporting myself, and that I have solely and entirely to rely on the Support allowed by Government for Pauper Prisoners confined in the said Four Courts Marshalsea.’

VIII. And be it enacted, That when such Declaration shall have been subscribed, the Marshal or his Deputy shall forthwith furnish the said Declaration, or a Copy thereof, with a List of the Detainers against such Person who shall have subscribed such Declaration, to the Chief Clerk of the Court for the Relief of Insolvent Debtors in *Ireland*, who shall file the same, and forthwith give Notice in the *Dublin Gazette* to the detaining Creditors of the said Persons who shall have subscribed such Declaration, that if they the said detaining Creditors, or some One of them, shall not, within Twenty-one Days after the Publication of the said Notice in said Gazette, file or cause to be filed in the said last-mentioned Court, at his or their proper Expence, a Petition against the said Person, so as to bring him before the Court for the Relief of Insolvent Debtors in *Ireland* for Adjudication, the Person in respect of whom such Notice shall have been given shall be entitled to his Discharge from Custody; and in case such a Petition shall not be filed by any of the Creditors of the said Person, in pursuance of such Notice, within the said Period of Twenty-one Days,

Notice of Declaration to be given in the *Dublin Gazette*.

Unless detaining Creditors lodge a Petition within

Twenty-one Days, Prisoner to be entitled to his Discharge.

then a Discharge shall be made out by such Chief Clerk without any further Order or Inquiry, and such Chief Clerk shall forthwith forward such Discharge to the Marshal of the Marshalsea of the Four Courts, and such Discharge shall be a proper Authority to the said Marshal for discharging such Person from Custody, and the said Marshal shall discharge the said Person forthwith; and such Discharge shall protect the said Person from future Arrest in respect only of the Debt, Costs, and Sums of Money for the Nonpayment of which he had been committed to the said Prison, and the Debts, Costs, and Sums of Money for which Detainers had been lodged against him previous to the Publication of the said Notice in the said Gazette: Provided always, that the said Discharge shall not have the Effect of extinguishing the said Debts, or barring the Right to recover the said Costs or Sums of Money, or of protecting the after-acquired Property of the said Person from Seizure and Sale under legal Process, for the Purpose of liquidating and satisfying the said Debts, Costs, and Sums of Money; but the said Property shall be liable to be seized, sold, and dealt with, in Liquidation and Discharge of the said Debts, Costs, and Sums of Money, as it would have been if the said Person had never been committed to or detained in the said Prison.

Saving the Authority of the Court of Queen's Bench.

7 G. 4. c. 74.

IX. And be it enacted, That nothing herein contained shall in any way interfere with the Authority of the Court of Queen's Bench to make Rules and Regulations for the Government of the Four Courts Marshalsea as heretofore, under the Provisions of the Act of the Seventh Year of His late Majesty *George the Fourth*, intituled *An Act for amending and consolidating the Laws relating to Prisons in Ireland*.

Act may be amended, &c. this Session.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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