

person to be Commissioner of Bankruptcy in and over two or more of the said Counties of Restigouche, Gloucester, Kent, Westmorland, Sunbury, Queen's County, and King's County, such Commissioner shall and may reside in and be sworn before the Clerk of the Peace of any of the Counties for which he shall be so appointed.

All persons owing debts to the amount of £500 liable to become Bankrupts, And may be declared such by the Chancellor or Master of the Rolls, upon application.

What shall constitute an Act of Bankruptcy.

Filing a Declaration of Insolvency in the Court of Chancery, and publishing a Memorandum thereof deemed an Act of Bankruptcy.

Repealed by Writ Cap 31

Allegations necessary to be set forth in applications for a fiat of Bankruptcy.

Fiat of Bankruptcy, &c., to be transmitted to the proper Commissioner.

All property, &c., of the declared Bankrupt vested in such Assignee as may be appointed.

III. And be it enacted, That all persons whosoever residing in this Province, owing debts to the amount of not less than five hundred pounds, currency, shall be liable to become Bankrupts within the meaning of this Act; and may, upon Petition to the Chancellor or Master of the Rolls of this Province, of one or more of their Creditors to whom they owe debts amounting in the whole to not less than two hundred pounds, currency, or of any other person or persons on the behalf of such Creditor or Creditors, on oath in duplicate accompanied by the further proof hereinafter mentioned, be declared accordingly by fiat of the said Chancellor or Master of the Rolls as hereinafter mentioned in the following cases: that is to say,—Whenever such persons shall depart from this Province with intent to defraud their Creditors, or to avoid service of, or arrest by the ordinary process of the Law, or shall conceal themselves to avoid being arrested, or having been arrested by mesne or final process, or rendered in discharge of their bail shall escape or remain a prisoner either in Gaol or on the limits thereof, for the space of two months, or shall willingly or fraudulently procure themselves to be arrested, or their Goods, Chattels, Lands or Tenements to be attached, distrained, sequestered or taken in execution, or shall remove their Goods, Chattels or effects, or conceal them to prevent their being levied upon or taken in execution, or by other process, or shall make any fraudulent conveyance, sale, assignment, gift, loan or transfer, Warrant of Attorney to confess a Judgment, or other device of, or affecting their Lands, Tenements, Goods or Chattels, Monies, Credits or evidences of Debt: Provided always, that no person shall be liable to become Bankrupt by reason of any such Act of Bankruptcy committed more than six months before the issuing of the fiat in Bankruptcy against him.

IV. And be it enacted, That if any person owing debts to the amount of not less than five hundred pounds, currency, shall file in the office of the Register of the Court of Chancery of this Province, a declaration in writing signed by such person, and attested by an Attorney or Solicitor, that he is insolvent or unable to meet his engagements, the said Register shall sign a memorandum that such declaration hath been filed, which memorandum shall be authority for the Printer of the Royal Gazette to insert an advertisement of such declaration therein, and every such declaration shall be deemed an Act of Bankruptcy committed by such person at the time when such declaration was filed, and a fiat may be granted thereupon upon the application of Creditors as and to the amount aforesaid: Provided always, that no fiat shall be so granted after the expiration of three calendar months, nor unless such advertisement shall have been inserted in the Royal Gazette within fifteen days after such declaration was filed.

V. Provided always, and be it enacted, That the Petitions so to be made, by or at the instance of a Creditor or Creditors aforesaid, shall set forth the nature and amount of the debts alleged to be due to such Creditor or Creditors, together with a declaration to the best of the knowledge and belief of the Petitioner or Petitioners that the person against whom such application is being made, is owing debts to an amount to be in no case less than the said sum of five hundred pounds, and shall also contain a particular statement of the facts and circumstances relied on as constituting an Act or Acts of Bankruptcy, which facts and circumstances shall further be verified by the affidavit in duplicate of at least two reputable Witnesses.

VI. And be it enacted, That whenever any fiat in Bankruptcy shall have been granted as aforesaid, the same together with one set of the documents exhibited on the application therefor, shall be transmitted by the said Chancellor or Master of the Rolls, under close cover, sealed with his seal to the Commissioner of Bankruptcy having jurisdiction in the County, City and County or District, in which the said Bankrupt resided, at or immediately before the time of the said application, and the other set shall remain with the Chancellor or Master of the Rolls, to be filed in the Registry of the Court of Chancery.

VII. And be it enacted, That all the property and rights of property, of every name and nature, and whether real or personal, except as hereinafter excepted, of every person who shall by fiat as aforesaid be declared a Bankrupt within this Act, shall by mere operation of Law, *ipso facto*, from the time of the receipt of such fiat by the proper Commissioner, be deemed to be divested out of such