

drawn therefrom and paid on the order of the said Assignee, countersigned by the proper Commissioner for the time being.

XXX. And be it enacted, That where two or more persons who are partners in trade become insolvent, an order may be made in the manner provided in this Act on the Petition of any Creditor of the partners; upon which order all the joint stock and property of the Company and also all the separate estate of each of the partners shall be taken, excepting such parts thereof as are herein excepted, and all the Creditors of the Company and the separate Creditors of each partner shall be allowed to prove their respective debts, and the Assignees shall also keep separate accounts of the joint stock or property of the company and of the separate estate of each member thereof, and after deducting out of the whole amount received by such Assignees the whole of the expenses and disbursements paid by them, the net proceeds of the joint stock shall be appropriated to pay the Creditors of the Company, and the net proceeds of the separate estate of each partner shall be appropriated to pay his separate Creditors; and if there shall be any balance of the separate estate of any partner after the payment of his separate debts such balance shall be added to the joint stock for the payment of the joint Creditors; and if there shall be any balance of the joint stock after payment of the joint debts, such balance shall be divided and appropriated to and among the separate estates of the several partners according to their respective rights and interests therein and as it would have been if the partnership had been dissolved without any Bankruptcy; and the sum so appropriated to the separate estate of each partner shall be applied to the payment of his separate debts, and the certificate of discharge shall be granted or refused to each partner as the same would or ought to be if the proceedings had been against him alone under this Act, and in all other respects the proceedings against partners shall be conducted in the like manner as if they had been commenced and prosecuted against one person alone.

Partners, or one of them becoming Bankrupt, proceedings in such cases,

Disposition of balances in favor of partnership business, or separate Estates of the Partners.

Certificates of discharge.

XXXI. And be it enacted, That whenever it shall appear to the Chancellor or Master of the Rolls of this Province for the time being, that the proper Commissioner to whom any fiat in Bankruptcy ought to be transmitted under the provisions of this Act shall be disqualified from acting under the authority of such fiat by reason of affinity to either of the parties by or against whom such fiat shall be prayed or by reason of being interested therein, such fiat with the documents aforesaid shall be transmitted by the Chancellor or Master of the Rolls as aforesaid, to such person as he may think suitable to act as the Commissioner in the whole of the proceedings in Bankruptcy under that fiat, and such Commissioner shall have the like powers and privileges and be subject to the like duties in all respects under such fiat as are given to the proper Commissioner under this Act; and in case the Commissioner before whom any proceedings under this Act may be pending shall die or remove from the County, City and County or District for which he may be appointed or be superseded, such proceedings shall be continued by the Commissioner to be appointed in his place in the same manner and with like effect as if done by the Commissioner who began the same, and should any matter require to be adjudicated before any such Commissioner wherein either party may be of affinity with such Commissioner, or wherein such Commissioner may have an interest, the same may be heard and determined by any suitable person to be nominated for that purpose by the Chancellor or Master of the Rolls as aforesaid, whose duties shall in that respect be the same as those of the proper Commissioner in such case.

In case of the death or disqualification by affinity of the proper Commissioner, Court of Chancery to appoint another.

XXXII. Provided always and be it enacted, That nothing in this Act shall extend or be construed to extend to release or discharge the person or property of any Crown Debtor from liability as such Crown Debtor; but all Crown claims and demands shall remain to be sued for, prosecuted and recovered, in all respects, as if this Act had not been passed.

Act not to affect the person or property, so far as concerns Crown Debts,

XXXIII. And be it enacted, That the words and expressions hereinafter mentioned which in their ordinary signification have a more confined or a different meaning shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows: that is to say, the words "Her Majesty" shall mean also and include the Heirs and Successors of Her Majesty; the word "Property" shall mean and include Lands, Tenements and Hereditaments, and any interest therein, and Money, Fees, Offices, Annuities, Goods, Chattels, Wares, Merchandizes and Debts; and the word "Month" shall mean a Calendar Month; and the word "Oath" shall include affirmation, where by Law such affirmation is required or allowed to be taken in

Interpretation clause.

Her Majesty.
Property.

Month.
Oath.