



ROYAL GAZETTE.

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FREDERICTON, NEW BRUNSWICK, WEDNESDAY, APRIL 26, 1843.

ANNO SEXTO VICTORIÆ REGINÆ.

CAP. IV.

An Act in addition to and in amendment of the Law of Bankruptcy.

Passed 11th April 1843.

‘WHEREAS it is expedient to amend the Law of Bankruptcy;

*See Gazette 1842
Page 202*

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the Reign of Her present Majesty, intituled *An Act relating to Bankruptcy in this Province*, be and the same is hereby repealed, in so far as the same may be inconsistent or at variance with the provisions of this Act; provided always that the same shall continue in force in all other respects whatsoever.

5 W. 4, c. 43, repealed so far as inconsistent with this Act.

II. And be it enacted, That all persons whosoever residing in this Province owing debts to the amount of not less than two hundred pounds, currency, shall be liable to become Bankrupts within the meaning of this Act, and may be declared Bankrupts upon such petition and proof or by such Declaration in writing of his Insolvency as by the said recited Act is required, and that the petition so to be made shall and may state that the person against whom such application is made, is owing debts to an amount to be in no case less than the said sum of two hundred pounds.

Persons owing £200 of debts may become Bankrupts and declared such as in 5 V. c. 43.

III. And be it enacted, That the amount of the debt or debts of any Creditor or Creditors petitioning for a Fiat in Bankruptcy, shall hereafter be as follows, that is to say, the single debt of such Creditor or of two or more persons being partners petitioning for the same shall amount to fifty pounds or upwards, and the debt of two Creditors so petitioning shall amount to seventy five pounds or upwards, and the debt of three or more Creditors so petitioning shall amount to one hundred and twenty pounds or upwards, and that every person who has given credit to any person for valuable consideration for any sum payable at a certain time, which time shall not have arrived when such person committed an act of Bankruptcy, may so petition or join in petitioning as aforesaid, whether he shall have had any security in writing for such sum or not.

Repealed Writ. Cap 31

Amount of Debt to entitle to petition for a Fiat in Bankruptcy ascertained.

IV. And be it enacted, That in all cases of any person filing a Declaration of Bankruptcy under the fourth Section of the said recited Act, a Fiat may be granted thereupon upon the application of the Bankrupt himself, as well as upon the application of Creditors: Provided always, that no Fiat shall be so granted until the Bankrupt shall file in the office of Register of the said Court of Chancery, in such form as the Master of the Rolls shall prescribe, a Bond to the said Register, with two sufficient sureties to be approved of by the Commissioner, under the penalty of thirty pounds, conditioned for the payment of all costs chargeable against the said Bankrupt for and on account of the said proceedings.

Fiat of Bankruptcy may be granted on declaration filed by Bankrupt, as in 5 W. 4, c. 43, s. 4.

Repealed Writ. Cap 31

Bond for costs.

V. And be it enacted, That in case of any person filing a Declaration of Insolvency in the office of the Register of the Court of Chancery of this Province, agreeably to the provisions of the fourth Section of the said recited Act, the Royal Gazette containing the Advertisement of such Declaration having been filed, shall be deemed and taken to be evidence of the making and filing of such Declaration.

Royal Gazette to be evidence of the making and filing of Declaration of Insolvency.

Repealed Writ. Cap 31