

Persons after Fiat issued and confirmed, (or Declaration filed if to be contested,) not surrendering nor discovering and delivery up estate and books deemed guilty of a misdemeanor, punishable as in 5 V. c. 31, s. 6.

VI. And be it enacted, That if any person against whom a Fiat in Bankruptcy shall issue, shall not within thirty days after notice to be served on him in manner as provided for by the eighth Section of the said recited Act, surrender himself to the proper Commissioner and sign and subscribe such surrender to be made in writing, or submit to be examined before him from time to time upon oath, or being a Quaker, upon solemn affirmation, or shall not within the time aforesaid file such declaration as therein provided, desiring to contest the alleged Bankruptcy, or in case such Fiat of Bankruptcy after being so contested shall be confirmed by the Chancellor or Master of the Rolls, then if such Bankrupt shall not surrender or conform as aforesaid within thirty days after such Fiat confirmed, or if such Bankrupt upon examination shall not discover all his real or personal estate, and how, to whom, upon what consideration, and when he disposed of, assigned or transferred any of such estate, and all Books, Papers and Writings relating thereunto, except such part as shall have been really and bona fide before sold or disposed of in the way of his trade, or laid out in the ordinary expense of his family, or if such Bankrupt shall not upon such examination deliver up to the said Commissioner all such part of such estate, and all Books, Papers and Writings relating thereunto, as be in his possession, custody or power, excepting the necessary wearing apparel and furniture of himself and his family, in the discretion of the Commissioner; or if such Bankrupt shall remove, conceal or embezzle any part of such estate to the value of twenty pounds or upwards, or any Books of Account, Papers or Writings relating thereunto, with intent to defraud his Creditors, every such Bankrupt shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished in the manner provided for the punishment of certain other misdemeanors by the sixth Section of an Act made and passed in the fifth year of Her Majesty's Reign intituled *An Act to amend the Law relating to the punishment of Offences*: Provided always, that no Bankrupt shall be guilty of a misdemeanor under the provisions of this Section unless it shall be proved to the satisfaction of the Commissioners that personal notice of the granting of the Fiat had been served upon him.

Proviso.

Time for Bankrupt to surrender himself may be enlarged.

VII. And be it enacted, That the Chancellor or the Master of the Rolls shall have power as often as he shall think fit from time to time to enlarge the time for the Bankrupt surrendering himself for such time as the Chancellor or Master of the Rolls shall direct, so that every such order be made five days at least before the day on which such Bankrupt was to surrender himself.

Persons arrested under 5 V. c. 43, s. 10, or whose books, &c., have been seized, may apply to the Court of the Commissioner for a rule to shew cause.

VIII. And be it enacted, That it shall and may be lawful for any person arrested upon any Warrant, as provided for in the tenth Section of the said recited Act, or for any person whose Books, Papers, Monies, Securities for Monies, Goods or Chattels have been seized under any such Warrant, to apply at any time after such arrest or seizure, to the Court of the Commissioner issuing such Warrant for an Order and Rule on the Petitioning Creditor named in such Fiat, to show cause why the person arrested should not be discharged out of custody, or why his Books, Papers, Monies, Securities for Monies, Goods and Chattels should not be delivered up to him, and that it shall be lawful for such Court to make absolute or discharge such Order or Rule, and to direct the costs of the application to be paid by either party, provided that such Order may be discharged by the Court of Chancery on application by either party dissatisfied with any such Order.

Protection to persons appointed by any Commissioner for acts done in obedience to his Warrant.

IX. And be it enacted, That no action shall be brought against any person so appointed by any Commissioner for any thing done in obedience to his Warrant unless demand of the perusal of a Copy of such Warrant hath been made or left at the usual place of abode of such person or persons by his party or parties intending to bring such action, or by his or their Attorney or Agent, in writing, signed by the party or parties demanding the same, and unless the same hath been refused or neglected for six days after such demand; if after such demand and compliance therewith, any action be commenced against the person or persons so appointed as aforesaid, without making the Petitioning Creditor or Creditors Defendant or Defendants, if living, or producing and proving such Warrant at the Trial of such action, the Jury shall give their verdict for the Defendant, notwithstanding any defect or jurisdiction in the Commissioner, and if such action be brought against the Petitioning Creditor or Creditors, and the person so appointed as aforesaid, the Jury shall on proof of such Warrant give their verdict for the person so appointed as aforesaid, notwithstanding any defect in jurisdiction as aforesaid, and if the verdict shall be given against the Petitioning Creditor or Creditors, the Plaintiff or Plaintiffs shall recover his or their costs against him or them, to be taxed so as to include such costs as the Plaintiff or Plaintiffs are liable to pay to the person so appointed as aforesaid.