

No. 6. *Petition from Creditor.*

To His Excellency the Chancellor [or His Honor the Master of the Rolls,] of the Province of New Brunswick :

The humble Petition of R. S. of — in the County of —, Merchant ;
Sheweth,—

That C. D. of and resident in —, in the County of —, and Province aforesaid, Trader, before and at the time of committing the act hereinafter stated and relied on by your Petitioner as an Act of Bankruptcy, was and still is indebted to your Petitioner in the sum of one hundred and fifty pounds, [or as the case may be,] for principal and interest due on a certain promissory note made by the said C. D., bearing date, (&c.) and payable to, (&c.) [or on a certain bond, bearing date (&c.) and made and entered into by the said C. D. to your Petitioner, in the penal sum of — pounds conditioned for the payment of — pounds and interest,] on the — day of —, &c., (or as the case may be.) And your Petitioner further sheweth, that to the best of his knowledge and belief, the said C. D. at the time of committing the said Act, owed and still owes debts to the amount of two hundred pounds. And being so indebted, the said C. D. did, on the — day of — last, sign a Declaration, which was duly attested by an Attorney of the Supreme Court, that he was insolvent and unable to meet his engagements with his Creditors, and filed or caused to be filed the same in the Office of the Registrar of the Court of Chancery, on or about the — day of — last past, and that an advertisement of such Declaration was duly published in the Royal Gazette of the — day of — last, and your Petitioner humbly submits, that by filing such Declaration, he, the said C. D., hath committed an Act of Bankruptcy.

Your Petitioner therefore humbly prays that the said C. D. may be declared a Bankrupt by Fiat of your Excellency, [or Honor,] according to the Acts of the General Assembly relating to Bankruptcy.

And your Petitioner will ever pray.

(Signed) A. B.
The abovenamed Petitioner was
duly sworn to the truth of the allegations in the above Petition, the — day
of —, A. D. — before

No. 7.

[Affidavit of the Attorney attesting the Declaration similar to No. 4 ante, and a copy of the Royal Gazette containing the advertisement, or an affidavit similar to No. 5 ante, to be annexed to the Petition.]

[If the Act of Bankruptcy be a departing from the Province with intent to defraud Creditors, an escape from arrest, or any other of the Acts declared to constitute an Act of Bankruptcy by the Act of Assembly, it will not be sufficient to swear in general terms in the words of the Statute, but the facts must be specially stated and set forth with sufficient certainty of time and place, according to the circumstances of each case, and established by the affidavits of at least two witnesses, together with such additional documentary evidence (where the proof depends on documents) as the case may require, the evidence to be regulated by the same rules as to the degree of proof as would apply to the establishing the like facts in a cause in Court.]

No. 8. *Fiat on application of Debtor.*

Upon reading the Petition made to me by A. B. of the Parish of — in the County of — and Province of New Brunswick, Merchant, alleging that he is indebted to C. D. of the Parish of — in the Province aforesaid, Merchant, in the sum of — ; to G. H. of the Parish of — in the said County, Carpenter, in the sum of — &c; and that being so indebted he had filed a Declaration of Insolvency, whereof an advertisement had been duly published in the Royal Gazette, as is therein set forth, pursuant to the provisions of the Acts relating to Bankruptcy, and upon reading the affidavits of I. K. and L. S. and also an advertisement published in the Royal Gazette of date the — day of — last ; and it further appearing that a Bond has been duly filed for payment of costs as by law required, I do hereby declare that the said A. B. hath committed an Act of Bankruptcy. Dated the — day of — one thousand eight hundred and —.

R. H., Esquire, Commissioner
of the Estates and Effects of Bank-
rupts for the County of —.

No. 9. *Fiat on application of Creditor.*

Upon reading the Petition made to me by A. B., of the City of Saint John, in the Province of New Brunswick, Merchant, against C. D. of the same place, Blacksmith, as being indebted to the said A. B. in the sum of one hundred pounds, and as owing debts to the amount of two hundred pounds, and as having committed an Act of Bankruptcy, and on reading the Affidavit of E. F. and G. H., and an advertisement published in the Royal Gazette of the — day of — last, &c., [or as the case may be], I do hereby declare that the said C. D. hath committed an Act of Bankruptcy.

Dated the — day of —, one thousand eight hundred and —.

J. K. Esquire, Commissioner of
the Estates and Effects of Bank-
rupts for the County of —.

No. 10.

[If the Commissioner for the County be disqualified from acting, by reason of affinity, &c., then add after the asterisk "And it further appearing that I. K. Esquire, the Commissioner of the Estates and Effects of Bankrupts, is disqualified from acting herein by reason of affinity to the said C. D. &c. I do hereby appoint R. S. of — aforesaid, Esquire, to act as the Commissioner in the whole of the proceedings in Bankruptcy under this Fiat.

No. 11. *Warrant of appointment of Provisional Assignee.*

Whereas a Fiat in Bankruptcy dated the — day of — A. D. hath been awarded against J. L. of — in the County of —

and Province of New Brunswick, Merchant, and duly transmitted to and received by me, I hereby appoint C. D. of — Esquire, to be a Provisional Assignee of the Estate and Effects of the said J. S. pursuant to the Act of Assembly in such case made and provided. Given under my hand and seal the — day of — A. D.

(L. S.) G. F., Commissioner of the Estates and
Effects of Bankrupts for the County of —.

No. 12. *Notice to Bankrupt to surrender and conform or to dispute Bankruptcy.*

Whereas a Fiat under the hand of His Excellency the Chancellor [or His Honor the Master of the Rolls] has been issued against J. S. by the name and addition of J. S. of — in the County of — and Province of New Brunswick, Merchant, declaring you to have committed an Act of Bankruptcy, and hath been duly transmitted to me, I do hereby summon and require you the said J. S. personally to be and appear before me within thirty days after the service hereof at — in the Parish of — in the County aforesaid, to surrender and conform to, or to dispute the said Bankruptcy. Dated the — day of — A. D.

(Signed) E. F., Commissioner of the Estates and
Effects of Bankrupts for the County of —.

To Mr. J. H.

No. 13. *Declaration of Dissent.*

I, A. B. of — in the County of — Merchant, against whom a Fiat in Bankruptcy was issued, bearing date the — day of — last, do hereby declare my dissent and my desire to contest such alleged Bankruptcy. Dated the — day of — A. D.

(Signed) A. B.

No. 14. *Notice of appointment of Assignee.*

[See the usual Forms in Royal Gazette, 9th August 1843, page 725, &c.]

No. 15. *Memorandum of Surrender.*

At the — day of — 18 —.

In the matter of A. B. against whom a Fiat in Bankruptcy bearing date the — day of — was duly issued.

Memorandum — That A. B. of the Parish of — in the County of — Merchant, did at the time and place above mentioned, surrender himself to me the Commissioner, to whom the said Fiat was transmitted, and submitted himself to be from time to time examined touching the discovery of his Estate and Effects, and in all things to conform himself according to the directions of the Acts of the General Assembly in such case made and provided.

(Signed) A. B.
(Signed) E. F. Commissioner.

No. 16. *Notice in London Gazette.*

County of —, in the Province of —, British North America.
In the matter of A. B. Bankrupt.

Whereas under the provisions of the Acts of the General Assembly of this Province, relating to Bankruptcy, A. B. of —, in the County of —, and Province aforesaid, merchant, hath been declared a Bankrupt, and hath accordingly surrendered himself to me, I hereby call upon the Creditors of the said A. B., resident in any part of the United Kingdom of Great Britain and Ireland, to appoint an agent or agents in the Province aforesaid, and to deliver and prove to my satisfaction their respective claims and demands against the said Bankrupt, within three months of the day of the date of the publication of this notice in the London Gazette.

Given under my hand at —, in the County of —, and
Province aforesaid, the — day of — 18 —.

G. H. Commissioner of the Estates and Effects
of Bankrupts for the County of —, in the
Province of New Brunswick.

No. 17. *Warrant (under 5 Vic. c. 43, s. 10.)*

[L. S.] Whereas a Fiat in Bankruptcy dated the — day of — A. D. —, hath been duly awarded and granted against C. D. of —, in the County of —, Trader, and hath been duly received by me, G. H. Commissioner of the Estates and Effects of Bankrupts for the County of —, and it hath been proved to my satisfaction by the oaths of two reputable witnesses, that there is reasonable or probable cause for believing that the said C. D. is about to quit this Province, (or to remove or conceal, or otherwise dispose of some part of the property or right of property,) (or that the said C. D. hath removed or hath concealed upon his person, &c., or as the case may be,) divested out of him by operation of Law, by means of the Acts of the General Assembly relating to Bankruptcy, with intent to defraud his Creditors. These are therefore by virtue of the Acts of the General Assembly in such case made and provided, to authorize and empower you to arrest and search the person of the said C. D., and to serve and take the goods and chattels aforesaid, wheresoever he and they may be found within this Province: and for that purpose, taking with you a Peace Officer to break open, (describe the place where the property is sworn to be concealed,) and him the said C. D. and the said property safely to keep until the expiration of the time for annulling the Fiat (or