

An Act further to amend the Laws relating to Bankruptcy in this Province.

Passed 13th April 1844.

Preamble.

6 WHEREAS it is considered expedient further to amend the Law relating ' to Bankruptcy ;'

Acts 5 V. c. 43,

and 6 V. c. 4, in part repealed.

Proviso for Fiats issued before Act comes into operation.

Provisional Assignee to be appointed on receipt of Fiat.

Copy of Fiat to be served on alleged Bankrupt who may enter a dissent.

After decision, notice of appointment, &c. to be published.

Bankrupt may surrender before expiration of time for filing dissent.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the fourth section of 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* ; and also the second, fourth and fifth sections of an Act made and passed in the sixth year of the same Reign, intituled *An Act in addition to and in amendment of the Law of Bankruptcy* ; and also all other provisions in either of the said recited Acts which may relate to the voluntary Declarations of any person being deemed an Act of Bankruptcy, or that persons owing debts less than five hundred pounds in amount may become Bankrupts, be and the same are hereby repealed : Provided always, that when any Fiat in Bankruptcy may have been struck or granted before the passing of this Act, whether founded on the voluntary Declaration of an alleged Bankrupt or otherwise, proceedings may still be had and continued therein, and by, against or for such alleged Bankrupt, his person, estate or effects, in all respects the same and with the like force and effect to all intents and purposes as if no part of the said recited Acts had been repealed as aforesaid.

II. And be it enacted, That when and so soon as the proper Commissioner shall have received any Fiat and Documents as is provided in the said Acts, he shall forthwith endorse thereon the day and hour on which he received the same, and by warrant under his hand and seal shall appoint one fit and proper person to be a Provisional Assignee of the estate and effects of the said alleged Bankrupt, and shall cause a copy of such Fiat to be served on such alleged Bankrupt, if he shall be found within the jurisdiction of such Commissioner, and if not so found, then to be left at the last place of abode or business of the said alleged Bankrupt, or delivered to his wife or some adult member of his family, or agent, together with a notice, setting forth the appointment of the said Provisional Assignee ; and in case the said alleged Bankrupt shall, within the period of seven days after such service of the copy of the said Fiat and notice, file with the said Commissioner a Declaration in writing of his dissent to the said Fiat, and desire to contest such alleged Bankruptcy, that then the said Commissioner shall forthwith transmit such Declaration to the Chancellor or Master of the Rolls, who shall proceed to the determination of the question so in contest, as hereinafter directed ; and in case the said alleged Bankrupt shall not within the said period of seven days after such service of the copy of the said Fiat and the said notice, file with the said Commissioner such Declaration, or when the said Chancellor or Master of the Rolls shall have determined and confirmed the said Fiat in Bankruptcy, that the said Commissioner shall, as soon as may be thereafter, cause public notice of the said appointment to be published by two several insertions in one or more of the Newspapers of the County, City and County, or District in which such Commissioner hath jurisdiction ; and if there shall be no Newspaper printed in the said County, City and County, or District, then in the Royal Gazette of this Province ; and shall thereby require all persons indebted to the said Bankrupts by a certain day to be therein expressed, to pay all such sum or sums of money, debts or duties as they may owe to the said Bankrupt, and deliver up all other property and effects of the said Bankrupt in their possession, power or custody, to him, the said Assignee ; and by the same notice shall require all the Creditors of the said Bankrupt, within three months from the day of the date of such notice, to deliver in and prove to the satisfaction of the said Commissioner, their respective claims and demands, whether the same be actually due or to become due against the said Bankrupt ; and shall by such notice appoint two public meetings of the Creditors of such Bankrupt to be held, for the said Bankrupt to surrender and conform ; the last of which meetings shall be on a day not less than thirty days, and not exceeding sixty days from the date of such advertisement, and shall be the day limited for such surrender : Provided always, that such Bankrupt shall and may, if so minded, before the expiration of the time allowed for filing such Declaration of dissent, surrender to such Fiat, and such person shall be free from arrest or imprisonment by any Creditor in coming to surrender, and after such surrender, during the time limited and appointed for the last of such meetings so to be advertised as aforesaid, and such further time as shall be allowed him for finishing his examination, and for such time after finishing his examination until his Certificate be allowed and