

confirmed, or during any suspension of such allowance or any conditional allowance, as such Commissioner shall, from time to time, by indorsement upon the surrender of such Bankrupt, think fit to appoint, provided he was not in custody at the time of such surrender; and if such Bankrupt shall be arrested for debt, or on any escape warrant in coming to surrender, or shall, after his surrender, be so arrested within the time aforesaid, he shall on producing his summons, signed as required by this Act, to the Officer who shall arrest him, and giving such Officer a copy thereof, be immediately discharged.

III. And be it enacted, That whenever it shall be made to appear to the satisfaction of any Commissioner, or such Commissioner shall have reason to believe that any of the Creditors of the said Bankrupt reside in any part of the United Kingdom of Great Britain and Ireland, then notice shall be forthwith transmitted for publication in the London Gazette, calling upon such Creditors to appoint an Agent or Agents in this Province, and to deliver and prove to the satisfaction of the said Commissioner, their respective claims and demands as aforesaid against the said Bankrupt, within three months from the day of the date of the said notice so published in the London Gazette.

Notice to be published in London Gazette when any Creditors reside in Great Britain or Ireland.

IV. And be it enacted, That whenever any Bankrupt is in prison, or in custody under any process, attachment, execution, commitment or sentence, the Commissioner acting in the prosecution of the Fiat against him, may, by warrant under his hand and seal, directed to the person in whose custody such Bankrupt is confined, cause such Bankrupt to be brought before him at any meeting, either public or private; and if any such Bankrupt is desirous to surrender, he shall be so brought up, and the expense thereof shall be paid by and allowed to him out of the estate of such Bankrupt; and such person shall be indemnified by the warrant of the Commissioner, for bringing up such Bankrupt; provided the Assignee may appoint any persons to attend such Bankrupt from time to time, and to produce to him his books, papers and writings, in order to prepare an abstract of his Accounts, and a statement to shew the particulars of his estate and effects, previous to his final examination and discovery thereof.

Bankrupt in custody to be brought before the Commissioner, at the Creditors expense.

Assignee may appoint person to attend Bankrupt in prison.

V. And be it enacted, That any Bankrupt who shall after such certificate shall have been confirmed, be arrested, or have any action brought against him for any debt, claim or demand, proveable under the Fiat against such Bankrupt, shall be discharged upon entering an appearance, and may plead in general that the cause of action accrued before he became Bankrupt, and may give this Act, and the special matter, in evidence; and such Bankrupt's Certificate, and the confirmation thereof, shall be sufficient evidence of the Bankruptcy, Fiat and other proceedings precedent to the obtaining such certificate; and if any such Bankrupt shall be taken in execution, or detained in prison for such debt, claim or demand, where judgment has been obtained before the confirmation of his certificate, it shall be lawful for any Judge of the Court wherein judgment has been so obtained, on such Bankrupt producing his Certificate, to order any Officer who shall have such Bankrupt in custody, by virtue of such execution, to discharge such Bankrupt without exacting any fee, and such officer shall be hereby indemnified for so doing.

Bankrupt having obtained his Certificate, freed from arrest.

Certificate to be evidence of the Bankruptcy and proceedings.

Bankrupt in execution may be ordered to be discharged.

VI. And be it enacted, That all claims made by any person against the estate of any Bankrupt, with an affidavit or affidavits verifying the same, shall be lodged with the Assignee of the Bankrupt's estate, at least forty eight hours before the time appointed for the holding of the public meeting at which such claim is to be adjudicated upon; and it shall be lawful for the Commissioner acting in the prosecution of any Fiat, to examine upon oath, either by word of mouth or by interrogatories in writing, every person claiming to prove a debt under such Fiat, or to require such further proof, and to examine such other persons in relation thereto, as he shall think fit.

Debts how to be proved.

Creditor may be examined upon oath.

VII. And be it enacted, That any person who at the time of the receipt of the Fiat by the proper Commissioner, shall be surety or liable for any debt of the Bankrupt, or bail for the Bankrupt, either to the Sheriff or to the action, if he shall have paid the debt, or any part thereof in discharge of the whole debt, although he may have paid the same after the receipt of the Fiat by the said Commissioner, if the creditor shall have proved his debt under the Fiat, shall be entitled to stand in the place of such creditor as to the dividends and all other rights under the said Fiat, which the Creditor possessed or would be entitled to, in respect of such proof; or if the creditor shall not have proved under the Fiat, such surety, or person liable, or bail, shall be entitled to prove his demand in respect of such payment as a debt under the Fiat, not disturbing former dividends, and may receive dividends with the other creditors.

Sureties and persons liable for the debts of Bankrupt may prove after having paid such debts.