

of such breach or breaches shall belong, on account of whom such penalty or penalties shall be incurred.

XI. Provided always, and be it enacted, That nothing in this Act, or in any agreement, contained, shall prevent any Seaman or person belonging to any Ship or Vessel whatever, from entering or being received into the Naval Service of Her Majesty; nor shall any such entry be deemed a desertion from the Ship or Vessel; nor shall such Seaman or other person thereby incur any penalty or forfeiture whatever, either of wages, clothes, or effects, or other matter or thing; and no Master or Owner shall insert or introduce, or permit to be inserted or introduced, into any Articles or Agreement, any clause, engagement, or stipulation, whereby any Seaman or other person shall or may incur any forfeiture, or be exposed to loss in case he shall enter into Her Majesty's Naval Service, and if inserted, the clause, engagement, or stipulation, shall be void.

Act not to prevent any Seaman from entering the Royal Navy.

XII. And be it enacted, That when any Seaman shall quit any such Ship or Vessel as aforesaid, in order to enter into Her Majesty's Naval Service, and shall thereupon be actually received into such Service, not having previously committed any act amounting to and treated by the Master as desertion, he shall be entitled immediately upon such entry, to have all his clothes and effects on board such Ship or Vessel delivered to him, and to receive from the Master the balance of the proportionate amount of his wages, up to the period of such entry, after deducting therefrom all charges such Seaman may then be liable to, under the provisions of this Act, to be paid either in money or by a bill on the Owner; all which clothes, effects, money, or bill, such Master is hereby required to deliver and pay to him accordingly; but in case the Master shall have no means of ascertaining the balance, he shall make out and deliver to such Seaman a certificate of the period of his service, and the rate of wages he is entitled to, producing at the same time to the Commanding or other Officer of Her Majesty's Vessel, the agreement with the Seamen; and every such Master, upon the delivery of such clothes and effects, and the settlement of such wages, in manner herein mentioned, shall receive from the Officer in command of the Vessel into which the Seaman shall have entered, a certificate of such entry, endorsed on the agreement, and signed by the said Officer, which such Officer is hereby required to give.

On entering into the Royal Navy, Seaman, not being a deserter, to be entitled to his clothes and wages from Vessel left.

XIII. And be it enacted, That this Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty.

Limitation.

CAP. LXXXVIII.

An Act further to amend the Law relating to Bankruptcy.

Passed 14th April 1845.

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

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in cases where parties Plaintiff have or may become Bankrupt in any action, whether before or after Judgment, in all actions where the sum recovered may form part of the Estate of such Bankrupt, Execution may issue upon such Judgment against the person or property of the Defendant in such Judgment, or both, as the case may be, in the name of the original Plaintiff, in the same manner as if such Plaintiff had not become Bankrupt; provided that the Attorney issuing such Execution shall endorse thereon that such Execution is issued for the Assignee of such Bankrupt, when such is the case; provided that nothing herein contained shall operate to prevent the proceeding to Judgment and Execution in the name of the original Plaintiff for the benefit of any party beneficially interested in such proceeding, when such party shall have been so interested before granting of the Fiat.

Execution on Judgments in favor of Bankrupt Plaintiffs may issue, the Attorney endorsing the fact of being issued for the Assignee.

II. And be it enacted, That in all cases of the sale of the interest of the Creditors in the outstanding debts of any Bankrupt or Bankrupts, it shall and may be lawful for the Commissioners to whom the Fiat is directed, to order such sale to be made in such and so many lots of the debts, and the interest of the Creditors therein, as he may in his discretion deem expedient, and on completion of such sale to grant a Certificate thereof to each purchaser or purchasers of such debt or debts, in all other respects subject to the provisions of the Laws now in force relating to Bankruptcy: Provided always, that the Commissioner shall have power to direct the Assignee in Bankruptcy to retain any particular debt or debts for the benefit of the Bankrupt's Estate, when the interest of the Creditors of the said Estate shall be promoted thereby.

Sale of outstanding debts to be made at the discretion of the Commissioner.