

ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

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1. *General Provisions.*

Short Title of this Act.

II. And be it enacted, That in citing this Act in other Acts of Parliament, or in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression, "The Bankrupt Law Consolidation Act, 1849."

Act not to extend to Scotland or Ireland.

III. And be it enacted, That this Act shall not extend to *Scotland* or *Ireland*, except where otherwise expressly provided.

Act to commence 11th Oct. 1849; Fiat abolished, and all Procedure to obtain Adjudication of Bankruptcy, &c. to be under the Provisions of this Act.

IV. And be it enacted, That this Act, unless where otherwise specially provided, shall commence and take effect from and after the Eleventh Day of *October* next; and that from and after the Commencement of this Act no Fiat in Bankruptcy shall be issued, but all Proceedings in Bankruptcy or to found an Act of Bankruptcy shall, and Proceedings for Arrangement between Debtors being Traders liable to become bankrupt and Creditors may be by virtue of and according to the Provisions of this Act; and that all Proceedings in Bankruptcy, and every Fiat in Bankruptcy, and Petition for such Arrangement, depending at the Commencement of this Act, shall be proceeded in and brought to a Conclusion under the Provisions of this Act: Provided that every Trading, Act of Bankruptcy, Petitioning Creditor's Debt, or other Matter or Thing, which before the Commencement of this Act would have authorized Proceedings in Bankruptcy, shall after the Commencement of this Act be sufficient to authorize Proceedings in Bankruptcy under this Act, and nothing in this Act contained shall render invalid any Proceedings in Bankruptcy, or any Fiat in Bankruptcy, or any Petition for Arrangement, depending at the Commencement of this Act, or any Proceedings which may have been instituted or taken under or by virtue of such Bankruptcy, Fiat, or Petition, or lessen or affect any Right, Title, Claim, Demand, or Remedy which any Person now has or hereafter may have under or by virtue thereof, or lessen or affect any Right, Title, Claim, Demand, or Remedy which any Person now has or hereafter may have upon or against any Bankrupt against whom any Fiat has or shall have been issued, or against any such Trader who may or shall have presented such Petition, except as in this Act is hereafter specially provided: Provided always, that nothing in this Act contained shall affect the Provisions of the "Joint Stock Companies Winding-up Act, 1848," or any of the Acts therein recited, or of any Act amending such Act, except so far as regards the Abolition of the Fiat in Bankruptcy and the Substitution of a Petition for Adjudication of Bankruptcy.

Joint Stock Companies Winding-up Act, 1848, &c. not to be affected.

In construing former Acts, &c. with reference to Petition for Adjudication under this Act, Fiat, &c. to be deemed to have issued at the Time of filing Petition.

V. And be it enacted, That where, in any Act of Parliament, Instrument, Document, or other Proceeding passed, executed, or made before the Commencement of this Act, Mention shall have been or shall be made of any Commission of Bankruptcy or Fiat in Bankruptcy, such Act, Instrument, Document, or Proceeding shall be construed with reference to the Proceedings under a Petition for Adjudication

Adjudication of Bankruptcy, as if such Commission or Fiat had been actually issued at the Time of filing such Petition.

2. *Constitution of the Court, &c.*

And with respect to the Court, and the Jurisdiction thereof, be it enacted,

The Court of Bankruptcy continued for the Purposes of this Act, and to continue a Court of Record, &c.

VI. That the Court of Bankruptcy shall continue to be a Court of Law and Equity for the Purposes of this Act, and shall continue to be a Court of Record; and the Records and Proceedings of every Kind at the Commencement of this Act in the said Court in *London*, and in the several Districts in the Country, shall be kept as such Records and Proceedings in like Manner in the Court so continued; and the said Court and every Commissioner thereof shall have and use all the Powers, Rights, Incidents, and Privileges of a Court of Record, and all other Rights, Incidents, and Privileges, as fully to all Intents and Purposes as the same are used and enjoyed by any of Her Majesty's Courts of Law or Judges at *Westminster*; and each and every of the Commissioners for the Time being acting in *London* and in the several Districts in the Country shall, singly and simultaneously, or otherwise as Occasion may require, be and form the Court for every Purpose under this Act, or in execution of any Duty which may hereafter be imposed on the Court, except where otherwise in this Act specially provided.

Number of Commissioners acting in London to be reduced to Four.

VII. That upon the next Two Occasions of a Vacancy in the Office of any Commissioner of the Court acting in *London* the Vacancies shall not be filled up, and the Commissioners acting in *London* shall in such Manner be reduced to Four; and the Lord Chancellor shall have Power to direct before which Commissioner or Commissioners those Matters shall be prosecuted which were heretofore prosecuted before the Commissioner whose Death, Resignation, Retirement, or Removal shall have occasioned the Vacancy.

Commissioners may make Rules, subject to Lord Chancellor's Approval.

VIII. That the Commissioners of the Court continued under this Act, or any Eight or more of them, of whom the Senior Commissioner shall be one, may from Time to Time make such Rules and Orders as they may think fit for the better carrying this Act into execution, and as regards the Duties to be performed by the Chief and other Registrars, the Accountant, Master, Clerk of Enrolments, Official Assignees, Registrar of Meetings, and Clerks, and by the Messengers, Ushers, and other under Officers of the Court, and generally for regulating the Practice of the Court and the Forms of Proceedings where not provided for in this Act; provided always, that no such Rules or Orders shall be of any Force or Effect until they shall have been approved by the Lord Chancellor.

Limits of the Bankruptcy Districts.

IX. That the Limit and Extent of the District of the Court of Bankruptcy acting in *London* shall be and remain the Limit and Extent of such District at the Time of the passing of this Act, and

2. Constitution of the Court, &c.

and the Limit and Extent of the Districts of the Courts acting in the Country respectively shall be the Limit and Extent of such Districts respectively as the same are settled and determined at the Time of the passing of this Act, unless and until such last-mentioned Districts shall be altered as herein-after provided: Provided always, that it shall be lawful for Her Majesty, with the Advice of Her Privy Council, from Time to Time to alter the Limit and Extent of such last-mentioned Districts, or any of them, or to increase the Number of the same, as to Her Majesty, with the Advice aforesaid, shall seem fit.

Country Districts may be altered or increased.

Sittings of the Court.

X. That the Court shall sit for the Despatch of Business daily throughout the Year, (*Sunday*, *Christmas Day*, *Good Friday*, *Monday* and *Tuesday* in *Easter* Week, and Days appointed for Public Fast or Thanksgiving, excepted,) and in *London*, and in each District in the Country, the Commissioners of the Court, or such of them as Occasion may require, shall attend for that Purpose: Provided always, that in each District in the Country in which there is only One Commissioner of the Court, such Commissioner, or, in his Absence from Illness or other reasonable Cause, the Registrar of the Court in such District, shall so attend: Provided also, that during the Time appointed by Order of the Lord Chancellor for Vacations in the several Offices of the High Court of Chancery, the Commissioners of the Court in *London* and in the several Districts in the Country respectively shall have full Power and Authority to regulate the Sittings of the Court, and appoint the Attendance of such of them as Vacation Commissioner or Commissioners for that Purpose as shall appear fit and necessary for the due Administration of Justice in the said Court.

Lord Chancellor may attach the Commissioners, &c. acting in the Country to such Districts as he shall think fit, &c.

XI. The Lord Chancellor may from Time to Time attach the Commissioners and Registrars acting in the Country to such Districts as he shall think fit, and, whenever it shall appear to him to be expedient, may order any Commissioner acting for any District, whether in Town or Country, to hold Sittings at such Places within his District as the Lord Chancellor may think fit, and may give all necessary Directions in that Behalf.

3. Jurisdiction, Primary and Appellate.

Primary Jurisdiction of the Court, with Appeal to Vice Chancellor.

XII. That the Court, in the Exercise of its primary Jurisdiction by virtue of this Act, shall have Superintendence and Control in all Matters of Bankruptcy, and shall hear, determine, and make Order in any Matter of Bankruptcy whatever, so far as the Assignees are concerned, relating to the Disposition of the Estate and Effects of the Bankrupt, or of any Estate or Effects taken under the Bankruptcy and claimed by the Assignees for the Benefit of the Creditors, or relating to any Acts done or sought to be done by the Assignees in their Character of Assignees by virtue or under colour of the Bankruptcy,

3. *Jurisdiction, Primary and Appellate.*

ruptcy, and also in any Matter of Bankruptcy whatever as between the Assignees and any Creditor or other Person appearing and submitting to the Jurisdiction of the Court; and also in any Application for a Certificate of Conformity, and in any other Matter (whether in Bankruptcy or not) where the Court by virtue of this Act has Jurisdiction over the Subject of the Petition or Application, save and except as may be by this Act otherwise specially provided, and subject in all Cases to an Appeal to such One of the Vice Chancellors of the High Court of Chancery as the Lord Chancellor shall from Time to Time be pleased to appoint to sit in Bankruptcy: Provided always, that if no such Appeal shall be entered within Twenty-one Days from the Date of any Decision or Order of the Court, and be thereafter duly prosecuted, every such Decision or Order shall be final; and that every Appeal shall be subject to such Regulation in regard to Deposit of Costs as shall by any General Rule or Order to be made in pursuance of this Act be directed.

Vice Chancellor sitting in Bankruptcy to be a Court of Record, &c.

XIII. That the Vice Chancellor appointed and sitting in Bankruptcy as aforesaid shall be and form a Court of Record, and shall have all the Powers of and incident thereto, and may adjourn any Sitting from Time to Time and for such Time as may be requisite, and shall have the like Power of summoning and compelling Attendance, and of Examination, and of enforcing Obedience to Examination and to any Order duly made, whether relating to any Examination or to any other Matter, and of requiring and compelling the Production of Books, Papers, Deeds, Writings, and other Documents, and shall have the like Power of Commitment, as is by this Act given to the Court of Bankruptcy.

Appeals to be brought on by Petition, Motion, or Special Case.

XIV. That all Appeals from Decisions or Orders of the Commissioners shall be brought on by way of Petition, Motion, or Special Case, subject to any General Rule or Order to be made by the Vice Chancellor or by the Lord Chancellor relating to such Appeals.

Vice Chancellor may direct Question of Fact to be decided by a Jury.

XV. That the Vice Chancellor may, if he think fit, direct any Question of Fact arising before him to be decided by a Jury in *London* or *Westminster*, or by a Jury before a Judge of Assize, in Manner and Form provided in lieu of a feigned Issue by an Act passed in the Parliament holden in the Eighth and Ninth Years of the Reign of Her Majesty, intituled *An Act to amend the Law concerning Games and Wagers;* and after any Question so authorized shall have been decided a new Trial thereof may be moved for in the Court out of which the Writ of Summons sued out under that Act shall have been issued.

8 & 9 Vict. c. 109.

New Trial may be moved for.

Decisions, &c. of Vice Chancellor to be subject to Appeal to the Lord Chancellor in certain Cases.

XVI. That all Decisions and Orders of the Vice Chancellor shall be subject to an Appeal to the Lord Chancellor on Matters of Law and Equity, or on the Refusal or Admission of Evidence, and on such

3. *Jurisdiction, Primary and Appellate.*

only; and in all Cases of Appeal to the Lord Chancellor such Appeal shall be on a Special Case, and in no other Mode whatsoever, except the Lord Chancellor shall in any Case otherwise direct; and such Special Case shall be approved and certified by the Vice Chancellor, and his Determination on the Settlement of such Case shall be final and conclusive: Provided always, that all Appeals to the Lord Chancellor by virtue of this Act shall be heard by the Lord Chancellor only, and not by any other Judge of the High Court of Chancery; and that if no Petition of Appeal be entered within Twenty-one Days from the Date of the Decision or Order of the Vice Chancellor, and thereafter duly prosecuted, every such Decision or Order shall be final.

Appeals, &c. to be entered in Office of Chief Registrar, &c.

XVII. That all Appeals to the Vice Chancellor or Lord Chancellor, and all Affidavits and Documents to be used on the Hearing of any such Appeal, shall be entered in the Office of the Chief Registrar; and the Vice Chancellor sitting in Bankruptcy shall on the Hearing of such Appeals be attended by some one of the Registrars of the Court of Bankruptcy.

Appeal to the House of Lords.

XVIII. That if the Lord Chancellor shall in any Case deem any Matter of Law or Equity brought before him by way of Appeal to be of sufficient Difficulty or Importance to require the Decision of the House of Lords, or in case both Parties in any Proceeding before the Vice Chancellor shall desire that any such Matter may be determined in the first instance by the House of Lords, and not by the Lord Chancellor, then and in such Case the whole Facts whereupon such Question of Law or Equity shall arise shall be stated in the Form of a Petition of Appeal to the House of Lords, and the Party appealing may carry an Appeal to the House of Lords, in like Manner as other Appeals are preferred to that House: Provided always, that the Cases to be lodged by the Parties in the House of Lords shall be confined in Matter of Fact, in Cases of Appeal from the Lord Chancellor, to setting forth the Special Case brought up to the Lord Chancellor from the Vice Chancellor, and in Cases of Appeal from the Vice Chancellor to setting forth a Special Case, to be approved and certified by the Vice Chancellor, and to such Arguments on the Point of Law as the Parties may be advised to state.

Lord Chancellor, during Illness, &c. of any Commissioner, may direct another Commissioner to act.

XIX. That during the Illness or Absence, from any reasonable or unavoidable Cause, of any Commissioner acting in the Country, the Lord Chancellor (as Occasion may require, and for such Time as he shall think fit to allow,) may authorize and direct any of the Commissioners acting in *London* to act in any District in the Country for or in aid of any of the Commissioners, and so *vice versâ*, and in the same Manner may authorize any of the Commissioners appointed to act in any one District in the Country to act for or in aid

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aid of any of the Commissioners authorized to act in any other District in the Country; and any Commissioner so acting shall have all the Power, Jurisdiction, and Authority, and perform all the Duties of the Commissioner for or in aid of whom such Commissioner shall so act.

During Vacation, &c. any Commissioner acting in London may act for Senior Commissioner.

XX. That any of the Commissioners acting in *London* may, during Vacation, or during the Illness or unavoidable Absence of the Senior Commissioner, exercise and perform the Duties imposed upon the Senior Commissioner by this Act.

Courts to be auxiliary to each other for Proof of Debts and taking Examinations.

XXI. That the Court in *London*, and in the several Districts in the Country, shall be auxiliary to each other for Proof of Debts and for the Examination of Persons or Witnesses on Oath, or for any or either of such Purposes: Provided always, that all such Examinations shall be taken down in Writing, and shall be annexed to and form Part of the Proceedings in the Matter to which the same shall relate, and that no such Proof or Examination shall be taken without the Request in Writing of the Commissioner before whom the Matter is being prosecuted.

Power of Commissioners named in Fiats issued on or prior to 11th November 1842 to cease, and Fiats to be removed into Court.

XXII. That all Power, Jurisdiction, and Authority of the Commissioners named in any Fiat issued on or prior to the Eleventh Day of *November* One thousand eight hundred and forty-two shall be deemed to have ceased and determined on that Day; and every such Fiat not already transferred or removed into the Court of Bankruptcy shall be transferred and removed into the Court in such Manner as may by any General Rule or Order to be made in pursuance of this Act be directed.

Proceedings, &c. in the Country to be transmitted to Chief Registrar.

XXIII. That all Proceedings before the Court in any District in the Country, or any Part of such Proceedings, or Copies or Minutes thereof, shall be transmitted to the Chief Registrar at such Time and in such Manner as may by any General Rule or Order to be made in pursuance of this Act be directed, and be by him kept among the Records of the Court.

Sealing and Signature of Warrants, &c.

XXIV. That every Warrant issued by the Court shall be under the Seal of the Court and the Hand of One of the Commissioners; and every Summons shall be in Writing under the Hand of One of such Commissioners, or in his Absence under the Hand of One of the Registrars, and under the Seal of the Court.

Records, Proceedings, &c. to be sealed.

XXV. That the Court shall cause to be sealed with the Seal of the Court all Records, Proceedings, Documents, and Copies of the same as are by this Act expressly required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same as the Court shall at any Time direct.

And

4. *Of the Registrars.*

And with respect to the Registrars, be it enacted,

Number of Registrars acting in London to be reduced to Four.

XXVI. That upon the next Two Occasions of a Vacancy in the Office of any Registrar of the Court acting in *London* (other than the Chief Registrar) the Vacancies shall not be filled up, and the Number of Registrars acting in *London* (other than the Chief Registrar) shall in such Manner be reduced to Four.

In case of Illness, &c. of Commissioner, Registrar may act for him, &c. except in certain Cases.

XXVII. That any Registrar of the Court may, during Vacation, or during the Illness or Absence from any other reasonable Cause of any Commissioner thereof, act for and as the Deputy of such Commissioner; and any such Registrar so acting shall have and exercise all Power vested in the Court, except the Power of Commitment, the hearing of any disputed Adjudication, or the hearing or determining of any Question of the Allowance or Suspension of any Bankrupt's Certificate.

Court may direct Registrar to take Proof of Debts, &c.

XXVIII. That whenever it shall seem expedient to any Court to direct a Registrar to act in the Prosecution of any Bankruptcy for Proof of Debts, or for the Examination of Persons or Witnesses on Oath, or for either of such Purposes, it shall be lawful for such Court so to direct, and the travelling Expenses of such Registrar and of any Clerk or other Officer attending him, incurred in so acting, shall be settled by such Court, and paid out of the Estate of the Bankrupt; and such Registrar so acting shall have and exercise all Power vested in such Court for Proof of Debts and Examination of Persons or Witnesses, except the Power of Commitment: Provided always, that all Depositions and Examinations of Persons and Witnesses taken before such Registrar, and all Acts done by him, shall be reduced to Writing, and shall be annexed to and form Part of the Proceedings.

Chief Registrar to provide Seals.

XXIX. That the Chief Registrar shall provide a Seal for himself and each of the other Registrars of the Court, on which shall be engraven the Style of the Court, and the Name of the District in which such Registrar is acting; and every such Seal shall be kept by the Chief and other Registrars respectively for the Time being in trust for the Purposes of the Court; and such Seal shall be and shall be deemed and taken to be the Seal of the Court.

Registrars may act for each other, &c.

XXX. That any Registrar of the Court may act for the Chief Registrar or for any other Registrar thereof, and during the Illness, or Absence from any reasonable or unavoidable Cause, of any Registrar acting in the Country, the Lord Chancellor (as Occasion may require, and for such Time as he shall think fit to allow,) may authorize and direct any of the Registrars acting in *London* to act in any District in the Country for or in aid of any of the Registrars, and so *vice versâ*, and in the same Manner may authorize any of the Registrars

4. *Of the Registrars.*

trars appointed to act in one District in the Country to act for or in aid of any of the Registrars appointed to act in any other District in the Country; and any such Registrar so acting shall have all the Power, Jurisdiction, and Authority, and perform all the Duties, of the Registrar for or in aid of whom he shall so act.

5. *Of the Accountant.*

And with respect to the Accountant in Bankruptcy, be it enacted,

Accountant to have Superintendence, &c. of Funds.

XXXI. That the Accountant in Bankruptcy shall superintend and control the Care and Management of the Funds belonging to Bankrupts Estates, and of all Funds which may come into the Court under any Matter to be prosecuted therein under and by virtue of this Act, and shall conduct the Business of it in such Manner as may by the Lord Chancellor, or by any General Rule or Order to be made in pursuance of this Act, be directed; and the Salary of the Accountant shall be in lieu of all Fees and Emoluments whatsoever, and he shall not, directly or indirectly, receive any further Sum, either for Commission, Brokerage, or otherwise; and the Brokerage Business of the Accountant's Office shall be transacted upon such Terms as any Two of the Commissioners of the Court acting in *London* shall determine, and the Sum paid to the Broker shall be charged by the Accountant to the Estate for which the Investment or Sale shall be made, and when such Sum shall be determined the Commissioners aforesaid may direct the Payment of it in such Manner as to them may seem just.

Salary of Accountant to be in lieu of all Fees, &c.

Names of Accounts to be changed.

XXXII. That all Monies and Securities which at the Commencement of this Act may be standing in the Books of the Bank of *England* in the Name of the Accountant in Bankruptcy to the Credit of the Accounts intituled respectively "The Secretary of Bankrupts Account," "The Secretary of Bankrupts Compensation Account," and "The Interest arising from Bankruptcy Fund Account," and all Monies and Securities which shall be standing to the Credit of the Account intituled "Fund arising from Fees in Bankruptcy," or which shall be so standing in the Name of the "Registrar of Meetings," shall be transferred and carried to an Account to be opened therein, and intituled "The Chief Registrar's Account;" and all Monies and Securities which shall thereafter stand to the Credit of the Account to be so opened and intituled shall be subject to all the Orders theretofore made in regard to Monies paid or directed to be paid in to those Accounts.

Accounts kept at the Bank of England, called "The Bankruptcy Fund Account" and "Chief Registrar's Account," to be subject to the Orders of the Lord Chancellor.

XXXIII. That the Account kept at the Bank of *England* in the Name of the Accountant, and called "The Bankruptcy Fund Account," and the Account to be opened as mentioned in the preceding Article, and intituled "The Chief Registrar's Account," and each such Account, shall be subject to such General Orders touching the Payment in, Investment, accounting for, and Payment out of the same

5. *Of the Accountant.*

same for the Purposes mentioned in this Act, as the Lord Chancellor shall from Time to Time think fit to prescribe.

Securities may be purchased.

XXXIV. That out of the Cash now lying or which shall hereafter lie dead and uninvested in the Bank of *England* in the Name of the Accountant to the Credit of any Account kept by him as such Accountant, any Sum or Sums of Money shall and may, by virtue of any Order or Orders of the Lord Chancellor to be made for that Purpose, from Time to Time be placed out and invested, in One entire Sum or in Parcels, in the Name of the Accountant, on such Government or Parliamentary Securities as in and by such Order or Orders shall be directed, and such Securities shall be carried to the Accounts respectively on account of which they were so purchased; and the Interest and Dividends of all Securities so purchased shall from Time to Time be received by the Governor and Company of the Bank of *England*, and be carried to the Account intituled "The Chief Registrar's Account."

Lord Chancellor may order Securities purchased to be sold in certain Cases.

XXXV. That if at any Time hereafter the whole or any Part of the Money placed out on Securities shall be wanted to answer any Demands due in respect of any Bankrupt's Estate, or if it shall at any Time appear that the Balance of Cash remaining to the Credit of the Accountant is not so large as it ought to be, having regard as well to the Convenience of the Suitors as to the Necessity of affording a fair Remuneration to the Bank of *England* for keeping the Accounts, the Lord Chancellor may direct the whole or any Part of such Securities to be sold and disposed of, and the Money arising from such Sale to be paid into the Bank of *England* to the Credit of the Accounts to which they respectively belong.

Returns to Parliament to be made by Accountant.

XXXVI. That on or before the First Day of *March* in every Year, if Parliament be then sitting, or, if not, within Fourteen Days from the Commencement of the then next Session of Parliament, there shall be laid before Parliament, by the Accountant, a Return showing the total Amount of Monies paid into the Bank of *England* to the Credit of the Accountant during the Year preceding and up to the Thirty-first Day of *December* in that Year, and distinguishing therein the Amount paid over by Her Majesty's Commissioners of Inland Revenue under the Provisions herein-after contained; the total Amount of Monies paid out during the same Period by Orders of the Lord Chancellor, the Vice Chancellor, or the Court of Bankruptcy or any Commissioner thereof; the Balances on the said Thirty-first Day of *December* in the Bank of *England* standing to the Credit of the Accountant; and showing also the net Amounts standing at the Bank of *England* to the Credit of the Accountant on the First Day of *January* on each of the following distinct Accounts; *viz.*, First, the Bankruptcy Fund Account; Second, the Unclaimed Dividend Account; and Third, the Chief Registrar's Account; and the Return in respect

5. *Of the Accountant.*

respect of the last-mentioned Account shall have an Appendix attached thereto, detailing all Payments made from such Account, and to whom made, and whether as Salaries, Compensations, Annuities, Services, or Travelling or other Expenses or Allowances; and the said Return shall specify the Amount transferred and paid out as Dividends out of the Dividend Account, and shall also show the Balance then existing on such Account.

6. *Of the Master.*

XXXVII. And with respect to the Master, be it enacted, That the Duties of the Master shall be the Taxation of all such Bills of Fees, Costs, Charges, and Disbursements as may by any General Rule or Order to be made in pursuance of this Act be directed, subject to Review of the Court; and the Place, Time, and Manner in which his Duties shall be conducted shall be such as shall be specified in such General Rule or Order; and all Sums and Fees which now or at any Time before the Commencement of this Act are directed to be paid by the Master into the Bank of *England* to the Account intituled "The Secretary of Bankrupts Account," and all Sums and Fees received by the Master after the Commencement of this Act, shall be paid into the Bank of *England* to the Account intituled "The Chief Registrar's Account." Duties.

7. *Of the Official Assignees.*

And with respect to the Official Assignees, be it enacted,

XXXVIII. That the Official Assignees of the Court of Bankruptcy shall give such Security, and be subject to such Rules, and act in such Manner, as may by the Lord Chancellor, or by any General Rule or Order to be made in pursuance of this Act, be from Time to Time directed. Official Assignees to give Security, &c.;

XXXIX. That One of such Official Assignees shall in all Cases be appointed by the Court an Assignee of each Bankrupt's Estate and Effects to act with the Assignee or Assignees to be chosen by the Creditors; and all the Personal Estate and Effects, and the Rents and Profits of the Real Estate, and the Proceeds of Sale of all the Estate and Effects, Real and Personal, of the Bankrupt, shall in every Case be possessed and received by such Official Assignee alone, save where it shall be otherwise directed by the Court; and all Stock in the Public Funds or of any public Company, and all Monies, Exchequer Bills, *India* Bonds, or other public Securities, and all Bills, Notes, and other negotiable Instruments, shall be forthwith transferred, delivered, and paid by such Official Assignee into the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to be subject to such Order and Regulation for the keeping of the Account of the said Monies and other Effects, and for the Payment and Delivery in, Investment, and Payment and Delivery out of the same, as the Lord Chancellor or as the Vice Chancellor, or any Commissioner Their Duty.

7. *Of the Official Assignees.*

sioner of the Court if authorized so to do by any Order of the Lord Chancellor, shall direct.

To act as sole Assignee till Creditors Assignees chosen, and may sell or otherwise dispose of Property of a perishable Nature, &c.

XL. That until Assignees shall be chosen by the Creditors of the Bankrupt the Official Assignee shall, to all Intents and Purposes whatsoever, be deemed to be the sole Assignee of the Bankrupt's Estate and Effects, and, if the Court shall so order, may, before Assignees shall be chosen by the Creditors, sell or otherwise dispose of any Property of a Bankrupt which shall be of a perishable Nature, or the holding Possession whereof until the Choice of Assignees would in the Judgment of the Court be prejudicial to the Bankrupt's Estate: Provided always, that nothing herein contained shall extend to authorize any Official Assignee to interfere with the Assignees chosen by the Creditors, in the Appointment or Removal of a Solicitor or Attorney, or, after such Choice, in directing the Time and Manner of effecting any Sale of a Bankrupt's Estates or Effects.

Not to interfere with Creditors Assignees in Appointment, &c. of Solicitor, &c.

Official Assignee not personally liable for Acts done in execution of his Duty.

XLI. That no Official Assignee shall be personally responsible or liable for any Act done by him, or by his Order or Authority, in the Execution of his Duty as such Official Assignee, by reason of the Petitioning Creditor's Debt, Trading, or Act of Bankruptcy upon which any Adjudication of Bankruptcy shall have been grounded, or of any or either of such Matters, being insufficient to support such Adjudication; and no Official Assignee shall be deemed personally answerable for or by reason of his having received any Money, Bills, Notes, or other negotiable Instruments under any Bankruptcy in his Character of Official Assignee, provided he shall have paid and deposited such Money, Bills, Notes, and other negotiable Instruments during the Prosecution of the Bankruptcy to and in the Bank of *England* to the Credit of the Accountant in Bankruptcy for the particular Estate for which such Money, Bills, Notes, or other negotiable Instruments shall have been received, and shall have given Notice of such Payment or Deposit (as the Case may be) to any Person claiming such Money, Bills, Notes, or other negotiable Instruments of the Official Assignee, and provided also, that the Official Assignee, after such Payment or Deposit, shall not have dealt with such Money, Bills, Notes, or other negotiable Instruments otherwise than in the Execution of his Duty as Official Assignee, and under the Order of the Court; and if any Action shall be brought against the Official Assignee, either solely or jointly with the Creditor's Assignee, in respect of such Money, Bills, Notes, or other negotiable Instruments, it shall be lawful for a Judge of the Court in which the same shall be brought, upon Application of the Official Assignee, and upon an Affidavit of Facts, to set aside the Proceedings in such Action so far as the Official Assignee is concerned, with such Costs, or without Costs, as to the Judge shall seem meet.

XLII. That

7.
Of the Official Assignees.

Court may appoint another Official Assignee on Death, &c.

XLII. That on the Death or Removal of any Official Assignee who shall have been appointed to act in any Bankruptcy the Court shall have Power to appoint another Official Assignee to act in such Bankruptcy.

Power to appoint Official Assignee to act with the existing Assignees under old Fiats.

XLIII. That the Court may, at Discretion, appoint an Official Assignee to act with the existing Assignees, if any, under any Fiat which has been or may be removed into Court, and may direct the existing Assignees to pay and deliver over to such Official Assignee all Monies, Books, Papers, and Effects whatsoever in their Possession or Custody as such Assignees; and all the Real and Personal Estate of the Bankrupt under such Fiat shall immediately on such Appointment vest in such Official Assignee jointly with the existing Assignees, if any, in like Manner as if the Proceedings in the Bankruptcy had originally been commenced by virtue of this Act, without Prejudice to any Action or Suit commenced or any Contract entered into by the existing Assignees at the Time of the Commencement of this Act.

Remuneration to Official Assignee.

XLIV. That the Court may order and allow to be paid out of any Bankrupt's Estate, to the Official Assignee thereof, as a Remuneration for his Services, such Sum as shall, upon Consideration of the Amount of the Bankrupt's Property, and the Nature of the Duties performed by such Official Assignee, appear to be just and reasonable.

Returns by Official Assignees.

XLV. That on or before the First Day of *March* in every Year if Parliament be then sitting, or, if not, within Fourteen Days from the Commencement of the then next Session of Parliament, there shall be laid before Parliament by every Official Assignee a Return, in the Form contained in Schedule (B.) to this Act annexed, showing the Particulars in such Form mentioned in respect of every Estate under his Charge, and which shall not have been finally wound up, on the Thirty-first Day of *December* in the preceding Year; and such Return shall be certified by the Court, and shall be subject to such further Regulation, as to the Form of the same or otherwise, as the Lord Chancellor may from Time to Time think fit to make.

8.
Of the Messengers.

Number of Messengers acting in London to be reduced to Four.

XLVI. And with respect to the Messengers, be it enacted, That on the next Two Occasions of a Vacancy in the Office of any Messenger of the Court acting in *London* the Vacancies shall not be filled up; and in such Manner the Number of Messengers acting in *London* shall be reduced to Four.

9.

Officers, &c. exempt from serving on Juries, &c.

XLVII. And with respect to the Exemption of Officers and Servants of the Court from serving on Juries, Inquests, and Parochial Offices, be it enacted, That the Chief and every other Registrar, the Accountant, the Master, the Official Assignees, the Messengers and the Ushers, shall be exempt and disqualified from serving any

8. *Of the Messengers.*

Parochial Office, and from being returned and from serving on any Jury or Inquest, and shall not be inserted in any List of Men qualified or liable to serve as Jurors.

10. *Of Fees.*

And with respect to Fees, be it enacted,

Certain Documents to be written on stamped Vellum, &c., in lieu of Fees.

XLVIII. That every Document enumerated in the Schedule C. to this Act annexed shall, from and after the Commencement of this Act, and in lieu of all Fees thereupon, be printed or written upon Vellum, Parchment, or Paper bearing the Stamp Duty set opposite to such Documents respectively in such Schedule, and having the Word "Bankruptcy" impressed on every such Stamp: Provided always, that where any such Document shall consist of more than One Sheet, only the First Sheet thereof shall be impressed with such Stamp.

Commissioners of Inland Revenue to give the necessary Directions, to keep separate Accounts, &c., and to pay over Monies received to Bank of England.

XLIX. That the Commissioners of Inland Revenue shall give the necessary Directions for carrying into effect the Provisions of this Act with respect to Stamp Duties in lieu of Fees, and shall cause separate and distinct Accounts to be kept of all Sums of Money collected or received by them under the Provisions of this Act, and of all Costs, Charges, and Expenses incurred by them or by their Order in carrying the same into effect; and it shall be lawful for the said Commissioners to pay, and to deduct and retain out of such Monies, all such Costs, Charges, and Expenses, and after such Deduction they shall from Time to Time, and in such Manner as may by any General Rule or Order to be made in pursuance of this Act be directed, pay over the Monies so to be collected and received into the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to the Account intituled "The Chief Registrar's Account."

Commissioners of Inland Revenue may appoint Persons for Sale and Distribution of Stamps, and make Allowance for spoiled Stamps.

L. That it shall be lawful for the Commissioners of Inland Revenue to appoint such Persons as they may think fit for the Sale and Distribution of Stamps under this Act, and to allow to them such Discount or Poundage upon such Sale or Distribution as may by any General Rule or Order to be made in pursuance of this Act be directed or authorized, and it shall be lawful by any such General Rule or Order to make Regulation for the Allowance of such Stamps issued under the Provisions of this Act as may have been spoiled or rendered useless, or unfit for the Purpose intended, or for which the Owner may have no immediate Use, or which through Mistake or Inadvertence may have been improperly or unnecessarily used, and such Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed, or by repaying the Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage allowed on the Sale of Stamps of the like Kind.

LI. That

10
Of Fees.

Provisions of former Acts relating to Stamps to be applied to the Stamps to be provided under this Act.

LI. That the Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall (so far as the same are applicable and consistent with the Provisions of this Act), in all Cases not hereby expressly provided for, be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment, or Paper on which the same shall be impressed, and shall be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.

Documents not to be received unless a Stamp be impressed.

LII. That no Document which by this Act is required to have a Stamp impressed thereon shall be received or filed or be used in relation to any Proceeding in the Court, or be of any Validity for any Purpose whatever, unless or until the same shall have a Stamp impressed thereon: Provided always, that if at any Time it shall appear that any such Document which ought to have had a Stamp impressed thereon has, through Mistake or Inadvertence, been received or filed or used without having such Stamp, it shall be lawful for the Court, if it think fit, to order that such Stamp shall be impressed thereon; and thereupon, when a Stamp shall have been impressed on such Document in compliance with such Order, such Document, and every Proceeding in reference thereto, shall be as valid and effectual as if such Stamp had been impressed thereon in the first instance.

Charge for Office Copies.

LIII. That all Office Copies of Fiats, Petitions, Affidavits, Orders, or other Proceedings shall be charged for and paid at the Rate of Three Halfpence *per* Folio of Ninety Words, and shall be made and delivered out in such Manner as may be directed by any General Rule or Order to be made in pursuance of this Act.

Payment of Percentage by Official Assignees, &c.

LIV. That the Official Assignee of each Bankrupt's Estate, and every Official Assignee appointed by the Court under any Petition for Arrangement between a Debtor and his Creditors, where the Estate and Effects of such Petitioning Debtor shall vest in such Official Assignee, either alone or jointly, in manner herein-after mentioned, shall pay to the Credit of the Account intituled "The Chief Registrar's Account" such Sum, not less than One Eighth of a Pound, and not exceeding Five Pounds *per Centum* on the gross Produce from Time to Time of any such Estate; such Sum, within the Limit aforesaid, and the Time or Times for Payment thereof, to be fixed by the Senior Commissioner, with the Approval of the Lord Chancellor; and the Senior Commissioner, with the like Approval,

10. *Of Fees.*

Approval, may from Time to Time lessen or increase such Sum, within the Limit aforesaid, as may seem just and reasonable, upon Consideration of the Amount from Time to Time standing to the said Account, and of the Claims from Time to Time chargeable thereupon.

If Securities at any Time insufficient to answer the Demands of any Bankrupt, &c., the Sum taken for the Purposes of this Act to be made good by Parliament.

LV. That if at any Time it shall appear that the whole of the Money laid out on Securities, and the Stocks, Funds, and Cash standing in the Name of the Accountant, shall not be sufficient to answer the Demands of any Bankrupt or his Creditors, or other Persons interested therein, then and in such Case the Sum taken for the Purposes and by virtue of this Act shall be considered a Debt due from the Public, and to such Extent as may be necessary shall be answered and made good by Parliament accordingly.

11. *Of Salaries, &c.*

And with respect to the Payment of Salaries, Compensations, and Retiring Annuities, and of Travelling and other Expenses, be it enacted,

Salaries of Commissioners, Officers, &c.

LVI. That the Salaries now paid to the Commissioners, the Lord Chancellor's Secretary of Bankrupts, the Chief and every other Registrar, the Accountant, the Master, and the Clerks to such Secretary, Chief Registrar, Accountant, Master, and Clerk of Enrolments respectively, and the Ushers of the Court, and the Registrar of Meetings, and the Clerk and Trainbearer, Ushers and Assistant Usher, of his Honor the Vice Chancellor sitting in Bankruptcy, shall be paid out of the Account intituled "The Chief Registrar's Account," and the same shall be paid quarterly, free and clear from all Taxes and Deductions whatsoever, except the Tax on Income, on the Eleventh Day of *January*, the Eleventh Day of *April*, the Eleventh Day of *July*, and the Eleventh Day of *October* in every Year, by equal Portions, the first Payment to be made on the Eleventh Day of *January* next; and if any Person for the Time being holding either of the said Offices shall die, resign, or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to receive such proportionable Part of his Salary as shall have accrued during the Time that such Person shall have executed his Office since the last Payment.

Compensations and Annuities under former Acts continued.

LVII. That all Compensations and Annuities which shall have been ordered to be paid, and which continue payable under the Provisions of former Acts relating to Bankrupts, and all Retiring Allowances which shall hereafter become payable under such Provisions, shall be charged upon and paid to the Persons entitled thereto out of the Monies and Securities standing to the Credit of the Account intituled "The Chief Registrar's Account," and shall be

11. *Of Salaries, &c.*

paid and payable to such Persons during their natural Lives, free from all Taxes except the Tax on Income, in such Manner and on such Days as the Lord Chancellor may have already ordered or may hereafter order; and in case of the Death of any such Person, his Executor or Administrator shall be entitled to receive the proportionate Part of such Annuity which shall have accrued up to the Day of his Decease: Provided always, that if any of them shall be appointed to and accept any public Office or Employment of an annual Value less than the Amount of any such Compensation or Annuity, they, during the Time they may continue in such Office or Employment, shall be entitled to receive only so much of their Compensation or Retiring Annuity as shall, together with the Salary of such new Office or Employment, be equal to such Compensation or Retiring Annuity; and that if any of them shall be appointed to and accept any public Office or Employment the Salary whereof shall equal or exceed in Amount their Compensation or Retiring Annuity, then during the Time of their Continuance in such Office or Employment such Compensation or Retiring Annuity shall altogether cease.

Monies paid to "The Chief Registrar's Account" to be subject to certain Orders heretofore made, and to such Orders as may from Time to Time be made by Lord Chancellor or by the Commissioners Trustees of the Court in Basinghall Street.

LVIII. That all Monies paid to the Account intituled "The Chief Registrar's Account" shall be subject to all Orders made before the Commencement of this Act in regard to Monies paid or directed to be paid to the Account intituled "The Secretary of Bankrupts Compensation Account," or to the Account intituled "The Interest arising from the Bankruptcy Fund Account," or to the Account intituled "Fund arising from Fees in Bankruptcy," or with regard to the Monies and Securities standing in the Name of the "Registrar of Meetings," and to such further and other Orders as may from Time to Time be made by the Lord Chancellor for Salaries, Compensations, Retiring Annuities, Services, Rent and Repair of Courts in the Country, the Supply of Law Books and other Books and Stationery necessary for the Use of the Courts, for travelling and other Expenses, and generally for all and every such Expenses incurred in carrying this Act into effect as the Lord Chancellor shall think fit, and also to such Orders as may be made by the Commissioners acting as Trustees of the Piece or Parcel of Ground herein-after mentioned, and of the Building called "The Court of Bankruptcy," situate in *Basinghall Street* in the City of *London*.

Accounts for Stationery, &c. to be audited, &c.

LIX. That all Accounts of the Chief Registrar, Registrars, Accountant, and Master, for Stationery and other incidental Expenses of their respective Offices, shall be audited and allowed by some One of the Commissioners of the Court before any Order for the Payment thereof shall be obtained.

12. *Of the Buildings for holding the Court.*

And with respect to the Buildings in which Courts are held, be it enacted,

Court of Bankruptcy in Basinghall Street to vest in London Commissioners.

LX. That the Piece or Parcel of Ground in *Basinghall Street* in the City of *London*, and the Building called "The Court of Bankruptcy" which has been erected thereon, shall from thenceforth be and the same are hereby vested in the Commissioners of the Court for the Time being acting in *London*, in trust for the Purposes of this Act.

Building to continue to be called "The Court of Bankruptcy," &c.

LXI. That such Building shall continue to be called "The Court of Bankruptcy," and all Sittings of the Court held in *London* in any Matter under this Act, and also all Meetings of Creditors held in *London* under any such Matter, and so held in pursuance of public Advertisement, shall be holden there, unless the Court shall in any Case otherwise direct.

Such Building to be under the Direction of London Commissioners.

LXII. That the Commissioners acting as Trustees of the said Piece or Parcel of Ground and of the Building aforesaid, or the major Part of them, shall give and enforce such Order and Direction for the Occupation and Use of the several Offices or Rooms in the said Building, and for preserving and keeping the said Building and the Rooms and Offices therein or appurtenant thereto in good Condition and Repair, and for insuring and keeping the same insured from Loss or Damage by Fire, as they shall from Time to Time think proper and advisable.

Lord Chancellor may order Repayment of Sums advanced by Treasury, for the Purchase of such Building; and "The Chief Registrar's Account" to be thereafter subject to Orders of Trustees for Expenses, &c.

LXIII. That it shall be lawful for the Lord Chancellor, on the passing of this Act, out of the Monies and Securities then standing to the Credit of the Account intituled "The Unclaimed Dividend Account," to order Repayment to the Treasury of whatever Balance may then be remaining due in respect of the several Sums advanced for the Purchase of the said Piece or Parcel of Ground, and for the Erection and Fitting-up of the said Building; and the Trustees of the said Ground and Building, or the major Part of them, may thereafter, out of the Monies standing to the Credit of the Account to be opened and intituled "The Chief Registrar's Account," order Payment of all Expenses incurred for Coals and Candles for the Use of the said Building, the Expenses of lighting and watching the same, and all Taxes, Rates, and Assessments payable in respect thereof, and of keeping the same in proper Condition and Repair, and of Insurance, and all other annual or occasional and necessary Expenses attending the Establishment, and may also, with the Approval of the Lord Chancellor, order the Payment of any Charges or Expenses that may have been incurred for Surveys or Plans obtained under the Sanction of the Lord Chancellor, and with the view of affording Accommodation to the Official Assignees.

LXIV. That

12.
Of the Buildings for holding the Court.

Buildings in which Country Courts are held to vest in the Commissioners of such Courts respectively.

LXIV. That the several Buildings which have been provided for the Court of Bankruptcy in the several Districts in the Country shall be used for the Purposes of this Act; and such Buildings, and such as shall hereafter be provided for such Court, in any District in the Country, with the Appurtenances and Effects belonging thereto, shall vest in the respective Commissioners acting in such several Districts for the Time being, in trust for the Purposes of this Act.

13.
Of the Persons liable to become bankrupt.

And with respect to Persons liable as Traders to become bankrupt, be it enacted,

Enumeration of the Traders liable to become bankrupt.

LXV. That all Alum-makers, Apothecaries, Auctioneers, Bankers, Bleachers, Brokers, Brickmakers, Builders, Calenderers, Carpenters, Carriers, Cattle or Sheep Salesmen, Coach Proprietors, Cowkeepers, Dyers, Fullers, Keepers of Inns, Taverns, Hotels, or Coffee Houses, Limeburners, Livery Stable Keepers, Market Gardeners, Millers, Packers, Printers, Shipowners, Shipwrights, Victuallers, Warehousemen, Wharfingers, Persons using the Trade or Profession of a Scrivener receiving other Men's Monies or Estates into their Trust or Custody, Persons insuring Ships or their Freight or other Matters against Perils of the Sea, and all Persons using the Trade of Merchandize by way of bargaining, Exchange, bartering, Commission, Consignment, or otherwise, in gross or by retail, and all Persons who, either for themselves or as Agents or Factors for others, seek their Living by buying and selling, or by buying and letting for Hire, or by the Workmanship of Goods or Commodities, shall be deemed Traders liable to become bankrupt; provided that no Farmer, Grazier, common Labourer, or Workman for Hire, Receiver General of the Taxes, or Member of or Subscriber to any incorporated Commercial or Trading Company established by Charter or Act of Parliament, shall be deemed as such a Trader liable to become bankrupt.

What Persons not to be deemed such Traders.

Trader having Privilege of Parliament.

LXVI. That if any such Trader having Privilege of Parliament shall commit any Act of Bankruptcy, he may be dealt with under this Act in like Manner as any other Trader; but such Person shall not be subject to be arrested or imprisoned during the Time of such Privilege, except in Cases made Felonies or Misdemeanors by this Act.

14.
Acts of Bankruptcy in general.

And with respect to Acts of Bankruptcy in general, be it enacted,

Departing the Realm, absenting, beginning to keep House, yielding to Prison, fraudulent Outlawry, Arrest, Attachment, Execution, Conveyance, Surrender, Gift, Delivery, or Transfer.

LXVII. That if any Trader liable to become bankrupt shall depart this Realm, or being out of this Realm shall remain abroad, or shall depart from his Dwelling House or otherwise absent himself, or begin to keep his House, or suffer himself to be arrested or taken in Execution for any Debt not due, or yield himself to Prison,

14. *Acts of Bankruptcy in general.*

Prison, or suffer himself to be outlawed, or procure himself to be arrested or taken in Execution, or his Goods, Money, or Chattels to be attached, sequestered, or taken in Execution, or make or cause to be made, either within this Realm or elsewhere, any fraudulent Grant or Conveyance of any of his Lands, Tenements, Goods, or Chattels, or make or cause to be made any fraudulent Surrender of any of his Copyhold Lands or Tenements, or make or cause to be made any fraudulent Gift, Delivery, or Transfer of any of his Goods or Chattels, every such Trader doing, suffering, procuring, executing, permitting, making, or causing to be made any of the Acts, Deeds, or Matters aforesaid, with Intent to defeat or delay his Creditors, shall be deemed to have thereby committed an Act of Bankruptcy.

Conveyance of all a Trader's Property not an Act of Bankruptcy, unless a Petition for Adjudication be filed within Three Months.

LXVIII. That if any such Trader shall execute any Conveyance or Assignment by Deed of all his Estate and Effects to a Trustee or Trustees for the Benefit of all the Creditors of such Trader the Execution of such Deed shall not be deemed an Act of Bankruptcy, unless a Petition for Adjudication of Bankruptcy be filed within Three Months from the Execution thereof, provided such Deed shall be executed by every such Trustee within Fifteen Days after the Execution thereof by the Trader, and the Execution by the Trader and by every such Trustee be attested by an Attorney or Solicitor, and Notice thereof be given within One Month after the Execution thereof by such Trader, in case such Trader reside in *London* or within Forty Miles thereof, in the *London Gazette*, and also in Two *London* daily Newspapers, and in case such Trader does not reside within Forty Miles of *London*, then in the *London Gazette* and in One *London* daily Newspaper and One Provincial Newspaper published near to such Trader's Residence; and such Notice shall contain the Date and Execution of such Deed, and the Name and Place of Abode respectively of every such Trustee and Attorney or Solicitor.

Lying in Prison, and escaping out of Prison.

LXIX. That if any such Trader, having been arrested or committed to Prison for Debt, or on any Attachment for Nonpayment of Money, shall upon such or any other Arrest or Commitment for Debt or Nonpayment of Money, or upon any Detention for Debt, lie in Prison for Twenty-one Days, or, having been arrested or committed to Prison for any other Cause, shall lie in Prison for Twenty-one Days after any Detainer for Debt lodged against him, and not discharged, every such Trader shall thereby be deemed to have committed an Act of Bankruptcy; or if any such Trader, having been arrested, committed, or detained for Debt, shall escape out of Prison or Custody, every such Trader shall be deemed to have thereby committed an Act of Bankruptcy from the Time of such Arrest, Commitment, or Detention.

LXX. That

14. *Acts of Bankruptcy in general.*

LXX. That if any such Trader shall file in the Office of the Lord Chancellor's Secretary of Bankrupts a Declaration in Writing in the Form contained in Schedule D. to this Act annexed, signed by such Trader, and attested by an Attorney or Solicitor, that he is unable to meet his Engagements, every such Trader shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Petition for Adjudication of Bankruptcy shall be filed by or against such Trader within Two Months from the filing of such Declaration.

Filing a Declaration of Insolvency in the Office of the Secretary of Bankrupts.

LXXI. That if any such Trader, after the issuing of any Fiat or filing of any Petition for Adjudication of Bankruptcy against him, shall pay Money to the Petitioning Creditor, or give or deliver to such Petitioning Creditor any Satisfaction or Security for his Debt or for any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debt than the other Creditors, such Payment, Gift, Delivery, Satisfaction, or Security shall be an Act of Bankruptcy; and if Adjudication of Bankruptcy shall have been made under such Fiat or Petition, the Court may either declare such Adjudication to be valid, and direct the same to be proceeded in, or may order it to be annulled, and a Petition or new Petition for Adjudication may be filed, and such Petition or new Petition may be supported either by Proof of such last-mentioned or any other Act of Bankruptcy.

Compounding with Petitioning Creditor.

Adjudication may either be annulled or declared valid.

LXXII. That if any Plaintiff shall recover Judgment in any Action Personal for the Recovery of any Debt or Money Demand, in any of Her Majesty's Courts of Record, against any such Trader, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff by way of Set-off against such Judgment, and such Trader shall not, within Seven Days after Notice in Writing personally served upon such Trader, requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after Service of such Notice: Provided always, that if such Execution shall in the meantime be suspended or restrained by any Rule, Order, or Proceeding of any Court of Justice having Jurisdiction in that Behalf, no further Proceeding shall be had on such Notice, but that it shall be lawful nevertheless for such Plaintiff, when he shall again be in a Situation to sue out Execution on such Judgment, to proceed again by Notice in manner aforesaid.

Trader not paying, securing, or compounding for a Judgment Debt, upon which the Plaintiff might sue out Execution, within Seven Days after Notice requiring Payment.

LXXIII. That if any Decree or Order shall be pronounced in any Cause depending in any Court of Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy, against any such Trader, ordering

Trader disobeying Order of a Court of Equity, &c. for Payment of Money, after Service of peremptory Order for Payment on a certain Day.

14. Acts of Bankruptcy in general.

ordering such Trader to pay any Sum of Money, and such Trader shall disobey such Decree or Order, the same having been duly served upon him, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof pursuant thereto, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Trader, being personally served with such last-mentioned Order Seven Days before the Day therein appointed for Payment of such Money, shall neglect to pay the same, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after the Service of such Order.

Filing Petition in Insolvent Debtors Court in England.

LXXIV. That the filing of a Petition in the Court for the Relief of Insolvent Debtors in *England* by any such Trader who shall be in actual Custody for his Discharge from Custody, and who shall apply by Petition to such Court for his Discharge from Custody, according to the Laws for the Relief of Insolvent Debtors in *England*, shall be deemed to be an Act of Bankruptcy from the Time of filing such Petition; and any Petition for Adjudication of Bankruptcy filed against such Trader, and under which he shall be adjudged bankrupt, before the Time appointed by the said Court for the Relief of Insolvent Debtors, and advertised in the *London Gazette*, for such Prisoner to be brought up to be dealt with according to the Laws for Relief of Insolvent Debtors in *England*, or at any Time within Two Months from the Time of making any Order vesting the Estate and Effects of any such Prisoner in the Provisional Assignee of such Court, whether upon the Petition of such Prisoner or the Petition of a Creditor, shall have the Effect of divesting the Real and Personal Estate and Effects of such Person out of the Provisional Assignee: Provided always, that the filing of such Petition shall not be deemed an Act of Bankruptcy, unless such Trader be adjudged bankrupt before the Time so advertised as aforesaid, or within such Two Months as aforesaid.

Filing Petition in Insolvent Debtors Court in India. 11 & 12 Vict. c. 21.

LXXV. That the filing of a Petition under an Act passed in the Eleventh Year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to Insolvent Debtors in* India, by any Trader liable to become bankrupt under this Act, and the Adjudication of an Act of Insolvency under that Act, shall, for the Purposes of this Act, be accounted and adjudged conclusive Evidence of an Act of Bankruptcy committed by such Trader at the Time of filing such Petition, or of filing the Petition on which the Adjudication of an Act of Insolvency shall be made; and any Creditor or Creditors of such Trader whose Debt or Debts shall be of sufficient Amount to enable him or them to petition for Adjudication of Bankruptcy under this Act may, at any Time within Two

14. *Acts of Bankruptcy in general.*

Two Months after Notice of the Insolvency shall have been given in the *London Gazette* as directed by the said Act for amending the Laws relating to Insolvent Debtors in *India*, petition for Adjudication of Bankruptcy under this Act against such Trader, under which Petition all such Proceedings may be had and taken as are authorized and directed by this Act, subject to such Exceptions and Provisions as are contained in the last-mentioned Act in this Behalf.

Filing Petition for Arrangement between a Trader Debtor and his Creditors.

LXXVI. That the filing of a Petition by any such Trader for an Arrangement between such Trader and his Creditors, under the Provisions of this Act with respect to Arrangements between Debtor and Creditor under the Superintendence and Control of the Court, shall be accounted and adjudged conclusive Evidence of an Act of Bankruptcy committed by such Trader at the Time of filing such Petition, provided a Petition for Adjudication of Bankruptcy shall be filed against him within Two Months after such Petition for Arrangement shall have been dismissed: Provided also, that no Adjudication shall be made on any such Act of Bankruptcy unless and until after such Petition for Arrangement shall have been dismissed.

Trader having Privilege of Parliament, not paying or compounding to the Satisfaction of the Creditor, and entering Appearance to Action within One Month.

LXXVII. That if any Creditor or Creditors of any such Trader having Privilege of Parliament to an Amount herein-after declared to be requisite to support a Petition for Adjudication of Bankruptcy, shall file an Affidavit in any Court of Record at *Westminster* that such Debt is justly due to him, and that such Debtor, as he verily believes, is such Trader, and shall sue out of the same Court a Writ of Summons, in the Form contained in Schedule E. to this Act annexed, against such Trader, and serve him with a Copy of such Summons, if such Trader shall not, within One Month after personal Service of such Summons, pay, secure, or compound for such Debt to the Satisfaction of such Creditor or Creditors, or enter into a Bond in such Sum, and with Two sufficient Sureties, as any of the Judges of the Court out of which such Summons shall issue shall approve of, to pay such Sum as shall be recovered in such Action, together with such Costs as shall be given in the same, and within One Month next after personal Service of such Summons cause an Appearance to be entered to such Action in the proper Court in which the same shall have been brought, every such Trader shall be deemed to have committed an Act of Bankruptcy from the Time of the Service of such Summons.

15. *Acts of Bankruptcy by Nonpayment after Summons.*

And with respect to Acts of Bankruptcy by reason of Nonpayment after Summons of the Court, and the Proceedings thereupon, be it enacted,

Creditor making Affidavit of his Debt, and of his having given Notice requiring immediate Payment, &c., Court may summon the Trader.

LXXVIII. That if any Creditor of any such Trader shall file an Affidavit in the Court in the District in which such Trader shall reside, in

15. *Acts of Bankruptcy by Nonpayment after Summons.*

in the Form specified in Schedule F. hereunto annexed, of the Truth of his Debt, and of the Debtor, as he verily believes, being such Trader, and of the Delivery to such Trader personally, or to some adult Inmate at his usual or last known Place of Abode or Business, of an Account in Writing of the Particulars of his Demand, with a Notice thereunder requiring immediate Payment thereof, in the Form specified in Schedule G. annexed to this Act, it shall be lawful for the Court in which such Affidavit shall be filed to issue a Summons in Writing, in the Form contained in Schedule H. annexed to this Act, calling upon such Trader to appear before such Court, and stating in such Summons the Purpose for which such Trader is called upon to appear as herein-after provided: Provided always, that if the Demand of a Creditor appear by such Affidavit to be due from Two or more Persons carrying on Trade in Partnership, the Delivery of such Account and Notice to any One of the Partners personally, or to some adult Inmate at his usual or last known Place of Abode or Business, and also at the Place of Business of the Firm, as aforesaid, shall be sufficient to authorize the Court to issue such Summons against any other of such Partners, as well as against the Partner served personally with such Account and Notice.

Delivery, Notice, &c. in Cases of Partnership.

Manner of proceeding upon the Appearance of the Trader.

LXXIX. That upon the Appearance of any such Trader so summoned as aforesaid it shall be lawful for the Court to require him to state whether or not he admits the Demand of the Creditor, or any and what Part thereof, and if such Trader shall admit such Demand, or any Part thereof, to reduce such Admission into Writing in the Form contained in Schedule I. annexed to this Act; and such Admission so reduced into Writing such Trader is hereby required to sign, and, being so signed, the same shall thereupon be filed in such Court; and it shall also be lawful for the Court to allow such Trader upon his said Appearance to make a Deposition upon Oath, in Writing under his Hand, to be filed in such Court, in the Form contained in Schedule J. annexed to this Act, that he verily believes he has a good Defence upon the Merits to such Demand, or to some and what Part thereof; and in such Case it shall be lawful for the Court at the same Time to require such Trader to enter into a Bond, according to the Form contained in the Schedule K. to this Act annexed, in such Sum and with such Two sufficient Sureties as the Court shall approve of, to pay such Sum or Sums as shall be recovered together with such Costs as shall be given in any Action which shall have been or shall be brought for the Recovery of such Demand, or of any Part thereof in respect of which such Deposition shall be made.

Trader not attending Summons, or refusing to admit the Demand,

LXXX. That if any such Trader so summoned as aforesaid shall not come before the Court at the Time appointed (having no

lawful

lawful Impediment made known to and proved to the Satisfaction of the Court, and allowed), or if any such Trader, upon his Appearance to such Summons, or at any Enlargement or Adjournment thereof, shall refuse to admit such Demand, and shall not make a Deposition, in the Form aforesaid, that he believes he has a good Defence upon the Merits to such Demand, or some Part thereof, and (if required by the Court so to do) enter into such Bond as last aforesaid, then and in either of the said Cases, if such Trader shall not, within Seven Days after personal Service of such Summons, or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for such Demand to the Satisfaction of such Creditor, or enter into a Bond, in such Sum and with Two sufficient Sureties as such Court shall approve of, to pay such Sum as shall be recovered in any Action which shall have been brought or shall thereafter be brought for the Recovery of the same, together with such Costs as shall be given in such Action, as the Case may be, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after Service of such Summons, provided a Petition for Adjudication of Bankruptcy shall be filed against such Trader within Two Months from the filing of such Affidavit.

&c., and not paying or compounding within a certain Time, or giving Bond for Payment of the same if recovered in an Action, &c. with Costs, to be an Act of Bankruptcy.

LXXXI. That if any such Trader so summoned as aforesaid shall upon his Appearance sign and file an Admission of such Demand in Form aforesaid, and shall not within Seven Days next after the filing of such Admission pay or tender and offer to pay to such Creditor the Amount of such Demand, or secure or compound for the same to the Satisfaction of the Creditor, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after the filing of such Admission, provided a Petition for Adjudication of Bankruptcy shall be filed against such Trader within Two Months from the filing of such Affidavit.

Trader signing Admission, and not paying, securing, or compounding within a certain Time, an Act of Bankruptcy.

LXXXII. That if any such Trader so summoned as aforesaid shall upon his Appearance sign an Admission for Part only of such Demand in the Form aforesaid, and shall not make a Deposition in the Form aforesaid that he believes he has a good Defence upon the Merits to the Residue of such Demand, and (if required by the Court so to do) enter into such Bond as aforesaid to pay such Sum or Sums as shall be recovered, together with such Costs as shall be given in any such Action as aforesaid for the Recovery of such Residue, then and in such Case, if such Trader, as to the Sum so admitted, shall not, within Seven Days next after the filing of such Admission, pay or tender and offer to pay to such Creditor the Sum so admitted, or secure or compound for the same to the Satisfaction of the Creditor, and as to the Residue of such Demand shall

Trader admitting Part only of a Demand, &c. and the Trader not paying, &c. the Sum admitted, and as to Residue not paying the same, &c., or giving Bond to pay the same if recovered in an Action, with Costs, an Act of Bankruptcy.

15. *Acts of Bankruptcy by Nonpayment after Summons.*

shall not, within Seven Days after personal Service of such Summons, or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for the same to the Satisfaction of such Creditor, or enter into a Bond, in such Sum and with Two sufficient Sureties as the Court shall approve of, to pay such Sum as shall be recovered in any Action which shall have been brought or shall thereafter be brought for the Recovery of the same, together with such Costs as shall be given in such Action, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after Service of such Summons, provided a Petition for Adjudication of Bankruptcy shall be filed against such Trader within Two Months from the filing of such Affidavit.

What shall be deemed a Refusal to admit of Debt.

LXXXIII. That if any such Trader so summoned as aforesaid shall upon his Appearance refuse to sign the Admission in that Behalf required, whatever may be the Nature of his Statement, or whether he makes any Statement or not, it shall be deemed, for the Purposes of this Act, that every such Trader thereby refuses to admit such Demand: Provided always, that it shall be lawful for the Court, upon reasonable Cause shown, to enlarge the Time for calling upon such Trader to state whether or not he admits such Demand, or any Part thereof, and for entering into such Bond, or for any or either of such Matters, for such Time as the Court shall think fit.

Court may enlarge the Time for Admission or entering into Bond, &c.

Admission of Debt signed elsewhere than in Court, if attested by Trader's Attorney, to have the same Force as an Admission signed in Court.

LXXXIV. That an Admission of any Debt made after such Summons, and signed by any such Trader elsewhere than before the Court, may be filed in Court, and shall be of the same Force and Effect to all Intents and Purposes as an Admission signed by such Trader on his Appearance in Court, provided such Admission be made in the Form contained in Schedule L. to this Act annexed, and there be present some Attorney of one of Her Majesty's Superior Courts of Law on behalf of such Trader, expressly named by him and attending at his Request, to inform him of the Effect of such Admission before the same is signed by such Trader, and provided also, that such Attorney do subscribe his Name thereto as a Witness to the due Execution thereof, and in such Attestation declare himself to be Attorney for the said Trader, and state therein that he subscribes as such Attorney.

Court may award Costs to the Creditor, or the Trader summoned.

LXXXV. That where any such Trader against whom an Affidavit of Debt is filed by any Creditor as aforesaid shall be summoned to appear before the Court in which such Affidavit shall be filed, every such Creditor or Trader shall have such Costs as the Court in its Discretion shall think fit, or the Court may direct the Costs of either Party of, incident to, or attendant upon such Affidavit and Summons to abide the Event of any Action which shall have been brought or shall thereafter be brought for the Recovery of such De-

mand or any Part thereof, and in such Case such Costs shall be Costs in the Cause, and recovered under the Judgment and Execution in such Action.

15. *Acts of Bankruptcy by Nonpayment after Summons.*

LXXXVI. That in every Action brought after the Commencement of this Act, wherein any such Creditor is Plaintiff and any such Trader is Defendant, and wherein the Plaintiff shall not recover the full Amount of the Sum for which he shall have filed an Affidavit of Debt as aforesaid, such Defendant shall be entitled to Costs of Suit, to be taxed according to the Custom of the Court in which such Action shall have been brought, provided that it shall be made appear to the Satisfaction of the Court in which such Action is brought, upon Motion to be made in Court for that Purpose, and upon hearing the Parties by Affidavit, that the Plaintiff in such Action had not any reasonable or probable Cause for making such Affidavit of Debt in such Amount as aforesaid, and provided such Court shall thereupon, by Rule or Order, direct that such Costs shall be allowed to the Defendant; and the Plaintiff shall, upon such Rule or Order being made, be disabled from taking out any Execution for the Sum recovered in any such Action, unless the same shall exceed (and then in such Sum only as the same shall exceed) the Amount of the taxed Costs of the Defendant in such Action; and in case the Sum recovered in any such Action shall be less than the Amount of the Costs to be taxed as aforesaid of the Defendant, then the Defendant shall be entitled, after deducting the Sum of Money recovered by the Plaintiff in such Action from the Amount of his Costs so to be taxed, to take out Execution for such Costs in like Manner as a Defendant may now by Law have Execution for Costs in other Cases.

If Creditor bring an Action, and do not recover the Amount sworn to in his Affidavit of Debt, and if the Affidavit be made for such Amount without probable Cause, the Defendant in the Action shall be entitled to Costs.

16. *General Provisions with respect to Acts of Bankruptcy.*

LXXXVII. And be it enacted, That if any accredited Agent of any Body Corporate or public Company shall have had Notice of any Act of Bankruptcy, such Body Corporate or Company shall be deemed to have had such Notice.

Notice of Acts of Bankruptcy to Agents of Corporate Bodies, &c.

LXXXVIII. And be it enacted, That no Person shall be liable to become bankrupt by reason of any Act of Bankruptcy committed more than Twelve Months prior to the issuing of any Fiat in Bankruptcy or the filing of any Petition for Adjudication of Bankruptcy against him, and that no Adjudication of Bankruptcy shall be deemed invalid by reason of any Act of Bankruptcy prior to the Debt of the Petitioning Creditor, provided there be a sufficient Act of Bankruptcy subsequent to such Debt.

No Person liable upon an Act of Bankruptcy committed more than Twelve Months before Fiat, &c.

17. *Of Procedure to obtain Adjudication.*

And with respect to the Proceedings before Adjudication of Bankruptcy, be it enacted,

LXXXIX. That Proceedings to obtain Adjudication of Bankruptcy shall be by Petition (such Petition, if presented by a Creditor, being in the

Proceedings in Bankruptcy to originate by Petition to the Court of Bankruptcy without Fiat, &c.

17. *Of Procedure to obtain Adjudication.*

the Form specified in the Schedule M. to this Act annexed, and the Truth thereof verified by the Affidavit of the Petitioner in the Form specified in the Schedule N. to this Act annexed, and if presented by a Trader, being in the Form specified in the Schedule O. to this Act annexed, and the Truth thereof verified by the Affidavit of such Trader in the Form specified in the Schedule N. to this Act annexed); and every such Petition shall be filed of Record and prosecuted as directed by this Act; and from and after the filing of such Petition the Court shall by virtue of this Act, and without any Commission, Fiat, or special Authority whatsoever, have full Power and Authority to take such Order and Direction with the Body of the Bankrupt as mentioned in this Act, as also with all his Lands, Tenements, and Hereditaments, both within this Realm and abroad, as well Copy or Customary hold as Freehold, which he shall have in his own Right before he became bankrupt, as also with all such Interest in any such Lands, Tenements, and Hereditaments as such Bankrupt may lawfully depart withal, and with all his Money, Fees, Offices, Annuities, Goods, Chattels, Wares, Merchandize, and Debts, wheresoever they may be found or known, and to make or order Sale thereof in manner herein mentioned, or otherwise order the same for Satisfaction and Payment of the Creditors of the Bankrupt.

Petition to be filed and prosecuted in the Court for the District in which the Trader shall have resided or carried on Business for Six Months next before Petition, except upon Special Order.

XC. That every Petition for Adjudication of Bankruptcy against or by any Trader liable to become bankrupt shall be filed and prosecuted in the Court within the District of which such Trader shall have resided or carried on Business for Six Months next immediately preceding the Time of filing such Petition, except where otherwise in this Act specially provided: Provided always, that the Senior Commissioner shall have Power, whenever he may deem it expedient, to order any Petition against or by any Trader to be prosecuted in any District with or without reference to the District in which the Trader shall have resided or carried on Business, or to consolidate the Proceedings or any Part thereof under Two or more Petitions for Adjudication of Bankruptcy, or to impound any Petition for Adjudication of Bankruptcy, and the Proceedings thereunder, or any Part thereof, upon such Terms as the Senior Commissioner shall think fit, or to transfer any Petition for Adjudication of Bankruptcy, and the Proceedings thereunder, and the Prosecution or the further Prosecution thereof, from the Court in any one District to the Court in any other District, and the Court to which any such Transfer shall be made may remove the Official Assignee, and appoint a new Official Assignee to any such Bankruptcy; and any such Order by the Senior Commissioner may be in such of the Forms contained in the Schedules P., Q., or R. to this Act annexed as may be adapted to the Case, or to the like Effect.

XCI. That

17. *Of Procedure to obtain Adjudication.*

Amount of Petitioning Creditor's Debt.

XCI. That the Amount of the Debt of any Creditor petitioning for Adjudication of Bankruptcy shall be as follows; that is to say, the single Debt of such Creditor, or of Two or more Persons being Partners, so petitioning, shall amount to Fifty Pounds or upwards, and the Debt of Two Creditors so petitioning shall amount to Seventy Pounds or upwards, and the Debt of Three or more Creditors so petitioning shall amount to One hundred Pounds or upwards; and every Person who has given Credit to any Trader upon valuable Consideration for any Sum payable at a certain Time, which Time shall not have arrived when such Trader committed an Act of Bankruptcy, may so petition or join in petitioning, whether he shall have had any Security in Writing for such Sum or not.

Such Debt may be payable at a future Time, although Security given.

Petition for Adjudication may be made by the public Officer of certain Copartnerships.

XCII. That a Petition for Adjudication of Bankruptcy against any Trader indebted in the Amount aforesaid to any Copartnership duly authorized to sue and be sued in the Name of a public Officer of such Copartnership may be filed by such public Officer as the nominal Petitioner for and on behalf of such Copartnership.

Trader may petition for Adjudication of Bankruptcy against himself.

XCIII. That any Trader liable to become bankrupt may petition for Adjudication of Bankruptcy against himself; provided always, that unless such Trader shall forthwith after the filing of his Petition, and before Adjudication of Bankruptcy thereunder, make it appear to the Satisfaction of the Court that his available Estate is sufficient to pay his Creditors at least Five Shillings in the Pound, clear of all Charges (to be estimated by the Court) of prosecuting the Bankruptcy, such Petition shall be dismissed, and no further Petition shall be filed by such Trader in the same District without the Leave of the Court first obtained for that Purpose, and the Adjudication on any further Petition shall be subject to the like Condition as aforesaid as to the available Estate of the Trader.

Where Petitions for Adjudication are to be filed.

Docket Book.

Allotment of Petitions.

XCIV. That every Petition for Adjudication of Bankruptcy presented to the Court in *London* shall be filed in the Office of the Chief Registrar, and such Chief Registrar shall immediately cause the same to be entered in a Book to be kept by him for that Purpose, to be called the General Docket Book (which Book shall be in the Form contained in Schedule S.); and every such Petition shall be allotted, in such Manner as may by any General Rule or Order made in pursuance of this Act be directed, to One of the Commissioners of the Court, and it shall be transmitted forthwith to the Registrar attending such Commissioner, who, when Adjudication shall have been made, shall deliver to the Chief Registrar a Duplicate of such Adjudication, in order that the same may be minuted in the General Docket Book; and all Petitions presented to the Court in the Country Districts shall be filed with the respective Registrars thereof, who shall in like Manner enter the same in similar Docket Books (one of which shall be kept in

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each Court), and in Districts where there is more than One Commissioner One of such Commissioners or One of the Registrars shall allot the Petitions by Ballot, or in such Manner as the Commissioners of such District Court may from Time to Time direct.

Registrars to transmit Copies of Entries, Adjudications, &c. to Chief Registrar.

XCV. That the Registrars acting in the Country shall transmit daily by Post to the Chief Registrar Copies of all Entries made by them in their Docket Books, and of all Adjudications made in the respective District Courts, and the Chief Registrar shall immediately on the Receipt thereof cause the same to be entered in the General Docket Book; and when any Fiat or Petition in Prosecution in any of the Courts, or any Adjudication of Bankruptcy made therein, shall have been superseded, dismissed, or annulled, or when the Time allowed to any Petitioning Creditor for proceeding shall have been extended, the Registrar in attendance on the Commissioner making such Order shall forthwith transmit a certified Copy thereof to the Chief Registrar, who shall cause the same to be minuted in the General Docket Book.

If Adjudication be not obtained within Three Days after Petition, any other Creditor may proceed on it.

XCVI. That if the Petitioning Creditor in any Petition for Adjudication of Bankruptcy shall not proceed and obtain Adjudication within Three Days after his Petition shall have been filed, or within such extended Time as shall be allowed by the Court, the Court may at any Time within Fourteen Days then next following, upon the Application of any other Creditor to the Amount required to constitute a Petitioning Creditor, proceed to adjudicate on such Petition, upon the Proof of the Debt of such Creditor, and of the other Requisites to support such Petition (except the Debt of the Petitioning Creditor); but if neither the Petitioner nor any other Creditor shall within such Fourteen Days, or within such extended Time as may be granted by the Court for that Purpose, apply to the Court to adjudicate upon such Petition, no further Proceeding shall be taken thereon.

Petitions may be presented against One or more Partners in a Firm; and Petitions against Two or more Persons may be dismissed as to One or more, without affecting the rest.

XCVII. That any Creditor whose Debt is sufficient to entitle him to petition for Adjudication of Bankruptcy against all the Partners of any Firm may petition for such Adjudication against One or more Partners of such Firm, and every such Petition shall be valid, although it does not include all the Partners of the Firm; and in every Petition for Adjudication against Two or more Persons the Court may dismiss the same as to One or more of such Persons, and the Validity of such Petition shall not be thereby affected as to any Person as to whom such Petition is not ordered to be dismissed, nor shall any such Person's Certificate be thereby affected.

In Cases of a Second or other Petition against One or more Members of a Firm, the same shall be

XCVIII. That after a Fiat issued, or a Petition for Adjudication of Bankruptcy filed, against or by One or more Member or Members of a Firm, any Petition or Petitions for Adjudication of Bankruptcy against

against or by any other Member or Members of such Firm shall be filed and prosecuted in the Court in which the first Fiat or Petition was prosecuted; and immediately after the Adjudication under such other Petition or Petitions all the Estate Real and Personal of such Bankrupt or Bankrupts shall vest in the Official Assignee and the Creditors Assignee (if any) under the first Fiat or Petition; and thereafter all separate Proceedings under such Petition or Petitions shall be stayed; and such Petition or Petitions shall, without affecting the Validity of the first Fiat or Petition, be annexed to and form Part of the same; provided that the Senior Commissioner may direct that such other Petition or Petitions shall be filed and prosecuted in any other Court, or be proceeded in either separately or in conjunction with the first Fiat or Petition; and such Direction shall be made by a Memorandum to that Effect endorsed on such Petition or Petitions, and under the Hand of the Senior Commissioner.

prosecuted in the Court in which the first was prosecuted, &c.

XCIX. That whenever any Petition for Adjudication of Bankruptcy shall have been filed against any Person, and it shall be proved to the Satisfaction of the Court that there is probable Cause for believing that such Person is about to quit *England*, or to remove or conceal any of his Goods or Chattels, with Intent to defraud his Creditors, unless he be forthwith apprehended, it shall be lawful for the Court to issue a Warrant, directed to a Messenger of the Court and his Assistants, or to such Person or Persons as the Court shall think fit, whereby such Messenger and his Assistants, or other Person or Persons, shall have Authority to arrest the Person against whom such Petition shall have been filed, and also to seize his Books, Papers, Monies, Securities for Monies, Goods and Chattels, wheresoever he or they may be found, and him and them safely keep until the Expiration of the Time allowed for Adjudication on such Petition, or until such Person shall be adjudged bankrupt under such Petition, and be thereon dealt with according to this Act: Provided always, that any Person arrested upon any such Warrant, or any Person whose Books, Papers, Monies, Securities for Monies, Goods or Chattels, have been seized under any such Warrant, may apply, at any Time after such Arrest or Seizure, to the Court, for an Order or Rule on the Petitioning Creditor 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 it shall be lawful for such Court to make absolute or discharge such Order or Rule.

In case Trader against whom a Petition has been filed be about to quit England, or to remove or conceal his Goods, with Intent to defraud Creditors, he may be arrested, and his Goods seized.

Trader so arrested may apply to the Court for his Discharge forthwith.

C. That the Court, before Adjudication, may summon before it any Person whom such Court shall believe capable of giving any Information concerning the Trading of or any Act of Bankruptcy committed by the Person against whom any Petition for Adjudication of

Court may before Adjudication summon Witnesses to prove Trading and Act of Bankruptcy.

17. *Of Procedure to obtain Adjudication.*

of Bankruptcy has been filed, and may require any Person so summoned to produce any Books, Papers, Deeds, and Writings, and other Documents, in his Custody, Possession, or Power, which may appear to the Court to be necessary to establish such Trading or Act of Bankruptcy; and it shall be lawful for the Court to examine any such Person upon Oath, by Word of Mouth, or Interrogatories in Writing, concerning such Trading and Act of Bankruptcy.

18. *Of Adjudication, and Proceedings thereunder.*

And with respect to the Adjudication of Bankruptcy, and the Proceedings for securing the Property and Surrender of the Bankrupt, be it enacted,

Court to make Adjudication, &c. upon certain Proofs, &c.

CI. That the Court, under a Petition filed by a Creditor, shall, upon Proof of the Petitioning Creditor's Debt, and of the Trading and Act of Bankruptcy of the Person against whom such Petition is filed, adjudge such Person bankrupt; or if in case of the Failure of the Petitioning Creditor to proceed and obtain Adjudication within Three Days after his Petition shall have been filed, or within such extended Time as may be allowed by the Court, another Creditor shall apply for Adjudication upon such Petition, then upon such Application, and Proof of such Creditor's Debt, and of the Trading and Act of Bankruptcy of the Person against whom such Petition is filed, the Court shall adjudge such Trader bankrupt; and, under a Petition filed by a Trader, the Court, upon the Application of such Trader, and upon Proof of the Trading and of the filing a Declaration of Insolvency, and of the Sufficiency of his available Estate to the Extent required by this Act, shall adjudge such Trader bankrupt.

Appointment of Official Assignee.

CII. That forthwith after Adjudication the Court shall appoint an Official Assignee to act as herein-before provided in this Behalf.

In case Petitioning Creditor's Debt be insufficient, Court may proceed upon the Application of any other Creditor whose Debt is sufficient.

CIII. That if after Adjudication of Bankruptcy the Debt of the Petitioning Creditor be found by the Court to be insufficient to support such Adjudication, it shall be lawful for the Court, upon the Application of any other Creditor having proved any Debt sufficient to support an Adjudication, to order the Petition for Adjudication of Bankruptcy to be proceeded in, and it shall by such Order be deemed valid, which Order may be in the Form contained in the Schedule (T.) to this Act annexed, or to the like Effect.

Bankrupt to have Notice thereof before Advertisement of Adjudication, and to be allowed Seven Days, or such extended Time, not exceeding Fourteen Days, as the Court shall think fit, to show Cause against Adjudication.

CIV. That before Notice of any Adjudication of Bankruptcy shall be given in the *London Gazette*, and at or before the Time of putting in execution any Warrant of Seizure which shall have been granted upon such Adjudication, a Duplicate of such Adjudication shall be served on the Person adjudged bankrupt, personally, or by leaving the same at the usual or last known Place of Abode or Place of Business of such Person; and such Person shall be allowed Seven

Days,

18. *Of Adjudication, and Proceedings thereunder.*

Days, or such extended Time, not exceeding Fourteen Days in the whole, as the Court shall think fit, from the Service of such Duplicate, to show Cause to the Court against the Validity of such Adjudication; and if such Person shall within such Time show to the Satisfaction of the Court that the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy upon which such Adjudication has been grounded, or any or either of such Matters, are insufficient to support such Adjudication, and upon such showing no other Creditor's Debt, Trading, and Act of Bankruptcy sufficient to support such Adjudication, or such of the said last-mentioned Matters as shall be requisite to support such Adjudication, in lieu of the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy or any or either of such Matters, which shall be deemed insufficient in that Behalf, as the Case may be, shall be proved to the Satisfaction of the Court, the Court shall thereupon order (in the Form contained in Schedule U. to this Act annexed, or to the like Effect,) such Adjudication to be annulled, and the same shall by such Order be annulled accordingly; but if at the Expiration of the said Time no Cause shall have been shown to the Satisfaction of the Court for the annulling of such Adjudication, the Court shall, forthwith after the Expiration of such Time, cause Notice of such Adjudication to be given in the *London Gazette*, and shall thereby appoint Two public Sittings of the Court for the Bankrupt to surrender and conform, the last of which Sittings shall be on a Day not less than Thirty Days and not exceeding Sixty Days from such Advertisement, and shall be the Day limited for such Surrender: Provided always, that the Court shall have Power from Time to Time to enlarge the Time for the Bankrupt surrendering himself for such Time as the Court shall think fit, so as every such Order be made Six Days at least before the Day on which such Bankrupt was to surrender himself: Provided also, that if any Person so adjudged bankrupt shall, before the Expiration of the Time allowed for showing Cause, surrender himself, and give his Consent, testified in Writing under his Hand, to such Adjudication being advertised, the Court, after such Consent so given, shall forthwith cause the Notice of Adjudication to be advertised, and appoint the Sittings for the Bankrupt to surrender and conform.

Adjudication may, with Bankrupt's Consent, be advertised before the Expiration of the Time allowed for showing Cause.

CV. That forthwith after the Insertion of the Notice of Adjudication in the Gazette, or, if the Bankrupt before the Expiration of the Time allowed for showing Cause against the Adjudication surrender himself and give Consent to such Insertion, forthwith after such Surrender, the Bankrupt shall (if thereto required by the Official Assignee) deliver up to the Official Assignee upon Oath before the Court, or before a Master Ordinary or Extraordinary in Chancery, or Justice of the Peace, all Books of Account, Papers, and Writings relating to his Estate in his Custody or Power, and discover such as

Bankrupt to deliver up his Books of Account to the Official Assignee upon Oath;

18. *Of Adjudication, and Proceedings thereunder.*

to attend Assignees;

to be at liberty to inspect Books, &c.;

after Allowance of Certificate, to attend Assignees in settling Accounts.

Allowance for Attendance.

are in the Custody or Power of any other Person; and every Bankrupt, not in Prison or Custody, shall at all Times after such Surrender attend the Assignees, upon every reasonable Notice in Writing for that Purpose given by them to him or left at his usual or last known Place of Abode, and shall assist such Assignees in making out the Accounts of his Estate; and such Bankrupt, after he shall have surrendered, may at all seasonable Times before the Expiration of such Time as shall be allowed to him to finish his Examination, inspect his Books, Papers, and Writings in the Presence of his Assignees, or any Person appointed by them, and bring with him each Time any Two Persons to assist him; and every such Bankrupt, after he shall have obtained his Certificate, shall, upon Demand in Writing given to him or left at his usual or last known Place of Abode, attend the Assignees to settle any Accounts between his Estate and any Debtor to or Creditor thereof, or attend any Court of Record to give Evidence touching the same, or do any Act necessary for getting in or protecting the said Estate, for which Attendance he shall be paid Five Shillings *per* Day by the Official Assignee out of his Estate.

Search Warrants may be granted.

CVI. That in all Cases where it shall be made to appear to the Satisfaction of the Court that there is Reason to suspect and believe that any Property of any Bankrupt is concealed in any House or other Place not belonging to such Bankrupt, the Court may grant a Search Warrant to the Messenger and his Assistants, or other Person appointed by the Court, and it shall be lawful for such Messenger and his Assistants, or other Person, to execute such Warrant according to the Tenor thereof; and such Messenger and his Assistants, or other Person, shall be entitled to the same Protection as is allowed by Law in execution of a Search Warrant for Property reputed to be stolen or concealed; and every such Search Warrant shall be in the Form contained in Schedule V. to this Act annexed, or to the like Effect.

No Action to be brought against Persons acting in obedience to Warrant of the Court.

CVII. That no Action shall be brought against any Messenger or his Assistants, or other Person appointed by the Court, for anything done in obedience to any Warrant of the Court, unless Demand of the Perusal and Copy of such Warrant hath been made or left at the usual Place of Abode of such Messenger or his Assistant, or other Person, by the Party intending to bring such Action, or by his Attorney or Agent, in Writing signed by the Party demanding the same, and unless the same hath been refused or neglected for Six Days after such Demand; and if after such Demand, and Compliance therewith, any Action be brought against such Messenger or Assistant, or Person so appointed, without making the Petitioning Creditor Defendant, if living, the Jury, at the Trial of such Action,

on the Production and Proof of such Warrant, shall give their Verdict for the Defendant, notwithstanding any Defect of Jurisdiction in the Court by which such Warrant shall have been granted; and if such Action be brought against the Petitioning Creditor and the Messenger or Assistant or Person so appointed, the Jury shall, on Proof of such Warrant, give their Verdict for such Messenger or Assistant, or Person so appointed, notwithstanding any such Defect of Jurisdiction; and if the Verdict shall be given against the Petitioning Creditor the Plaintiff shall recover his Costs against him, to be taxed so as to include such Costs as the Plaintiff is liable to pay to the Messenger and his Assistant, or Person so appointed as aforesaid.

Proof in such Actions that Defendant is Petitioning Creditor sufficient to render him liable.

CVIII. That in any such Action brought against the Petitioning Creditor, either alone or jointly with any Messenger or Assistant or other Person so appointed by the Court, for anything done in obedience to the Warrant of the Court, Proof by the Plaintiff in such Action that the Defendant or Defendants, or any of them, is or are Petitioning Creditor or Creditors, shall be sufficient for the Purpose of making such Defendant or Defendants liable, in the same Manner and to the same Extent as if the Act complained of in such Action had been done or committed by such Defendant or Defendants.

Messenger may break open the Bankrupt's Doors, &c., and seize upon his Body or Property.

CIX. That it shall be lawful for any Messenger of the Court and his Assistants acting under Warrant of the Court to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of any Bankrupt where such Bankrupt or any of his Property shall be reputed to be, and seize upon the Body or Property of such Bankrupt; and if the Bankrupt be in Prison or in Custody, it shall be lawful for the Messenger and his Assistants to seize any Property of the Bankrupt (his necessary Wearing Apparel only excepted) in the Custody or Possession of such Bankrupt or of any other Person, in any Prison or Place where such Bankrupt is in Custody.

Execution of Warrant in Ireland.

CX. That it shall be lawful for the Messenger and his Assistants acting under Warrant of the Court to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt in *Ireland* where any of his Property shall be reputed to be, and to seize the same; provided such Warrant shall have been verified upon Oath before and backed or endorsed by the Mayor or Chief Magistrate of the City, Borough, or Town Corporate where or near to which the same is executed; and provided also, that the Messenger shall, before a Justice of the Peace residing in the County where such Property shall be reputed to be, depose upon Oath that he is the Person named in such Warrant.

Execution of Warrant in Scotland.

CXI. That if in the Execution of any such Warrant of Seizure granted by the Court it shall be necessary to break open any House, Chamber,

18. *Of Adjudication, and Proceedings thereunder.*

Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt in *Scotland*, where any of the Property of such Bankrupt shall be reputed to be, or to seize and get possession of such Property, such Warrant, after having been verified upon Oath, may be backed or endorsed by any Judge Ordinary or Justice of the Peace in *Scotland*, who are hereby required, within their respective Jurisdictions, to back or endorse the same; and such Warrant so endorsed shall be sufficient Authority to the Messenger or his Assistant bringing such Warrant, and to all Officers of the Law in *Scotland*, to execute the same within the County or Burgh wherein it is so endorsed, and in virtue thereof to break open the House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of such Bankrupt, and to seize and take possession of such Property, to be distributed under the Bankruptcy, or otherwise dealt with according to Law.

If Bankrupt be not in Prison or Custody, to be free from Arrest in coming to surrender, &c., and if in Prison may be brought up by Warrant to be examined or to surrender, &c., and if in Prison for Debt the Court may, except in certain Cases, order his Release absolutely or conditionally.

CXII. That if the Bankrupt be not in Prison or Custody at the Date of the Adjudication, he shall be free from Arrest or Imprisonment by any Creditor in coming to surrender, and after such Surrender during the Time by this Act limited for such Surrender, and for 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 as the Court shall from Time to Time by Endorsement upon the Summons of such Bankrupt think fit to appoint; and whenever any Bankrupt is in Prison or in Custody under any Process, Attachment, Execution, Commitment, or Sentence, the Court may, by Warrant directed to the Person in whose Custody he is confined, cause him to be brought before it at any Sitting, either public or private, and if he be desirous to surrender he shall be so brought up, and the Expense thereof shall be paid out of his Estate, and such Person shall be indemnified by the Warrant of the Court for bringing up such Bankrupt; and where any Person who has been adjudged bankrupt, and has surrendered and obtained his Protection from Arrest, is in Prison or in Custody for Debt at the Time of his obtaining such Protection, the Court may, except in the Cases next herein-after mentioned, order his immediate Release, either absolutely or upon such Conditions as it shall think fit: Provided always, that the Court shall not order such Release where it shall appear by any Judgment, Order, Commitment, or Sentence under which the Bankrupt is in Prison or in Custody, or by the Record or Entry of any such Judgment, Order, Commitment, or Sentence, and the Pleadings or Proceedings previously thereto, that he is in Prison or in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him whereby he had been convicted of any Offence, or for any Debt contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws,

18. *Of Adjudication, and Proceedings thereunder.*

or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Fiat in Bankruptcy, or maliciously filing or prosecuting a Petition for Adjudication of Bankruptcy: Provided also, that such Release shall in nowise affect any Rights of the Creditor at whose Suit the Bankrupt may be in Prison or in Custody against the Bankrupt, except the Right of detaining him in Prison or in Custody whilst protected from Imprisonment by Order of the Court.

If arrested, to be discharged on producing Protection.

CXIII. That if any Bankrupt shall be arrested for Debt, or on any Escape Warrant in coming to surrender, or shall after his Surrender and while protected by Order of the Court be so arrested, he shall, on producing such Protection to the Officer who shall arrest him, and giving such Officer a Copy thereof, be immediately discharged; and if any Officer shall detain any such Bankrupt after he shall have shown such Protection to him, except for so long as shall be necessary for obtaining a Copy of the same, such Officer shall forfeit to such Bankrupt, for his own Use, the Sum of Five Pounds for every Day he shall detain such Bankrupt, to be recovered by Action of Debt in any Court of Record at *Westminster*, in the Name of such Bankrupt, with full Costs of Suit.

Petitioning Creditor to proceed at his own Costs, until Choice of Assignees.

CXIV. That the Petitioning Creditor shall at his own Costs file and prosecute his Petition, until the Choice of Assignees by the Creditors; and the Court shall, at or after the Sitting for such Choice, make Order for the Payment thereof out of the Estate of the Bankrupt, in course of Priority to be settled by any General Rule or Order to be made in pursuance of this Act.

No Fiat to be superseded, &c. by reason only of Concert.

CXV. That no Fiat in Bankruptcy shall be annulled, nor any Petition for Adjudication of Bankruptcy dismissed, nor any Adjudication reversed, by reason only that the Fiat, Petition, or Adjudication, or Act of Bankruptcy, has been concerted or agreed upon between the Bankrupt, his Solicitor or Agent, or any of them, and any Creditor or other Person.

Court may proceed notwithstanding Death of Bankrupt.

CXVI. That if any Bankrupt shall die after Adjudication, the Court may proceed in the Bankruptcy as if such Bankrupt were living.

Court may summon and examine Bankrupt.

CXVII. That the Court may summon any Bankrupt before it, whether such Bankrupt shall have obtained his Certificate or not; and in case he shall not come at the Time appointed by the Court (having no lawful Impediment made known to and allowed by the Court at such Time), it shall be lawful for the Court, by Warrant, to authorize and direct any Person or Persons the Court shall think fit to apprehend and arrest such Bankrupt, and bring him before the Court; and upon the Appearance of such Bankrupt, or if such

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Bankrupt be present at any Sitting of the Court, it shall be lawful for the Court to examine such Bankrupt after he shall have made and signed the Declaration contained in the Schedule W. to this Act annexed, either by Word of Mouth or on Interrogatories in Writing, touching all Matters relating to his Trade, Dealings, or Estate, or which may tend to disclose any secret Grant, Conveyance, or Concealment of his Lands, Tenements, Goods, Money, or Debts, and to reduce his Answers into Writing, which Examination so reduced into Writing the said Bankrupt shall sign and subscribe.

Court may summon and examine the Bankrupt's Wife.

CXVIII. That it shall be lawful for the Court to summon before it the Wife of any Bankrupt, and to examine her, after she shall have made and signed the Declaration contained in Schedule W. to this Act annexed, either by Word of Mouth or Interrogatories in Writing, for the finding out and Discovery of the Estate, Goods, and Chattels of such Bankrupt, concealed, kept, or disposed of by such Wife, in her own Person or by her own Act, or by any other Person, and she shall incur such Danger or Penalty for not coming before the Court, or for refusing to be sworn and examined, or for refusing to sign or subscribe her Examination, or for not fully answering to the Satisfaction of the Court, as is herein-after provided.

If Bankrupt be keeping out of the way, or be about to quit England, &c., Court may issue Warrant.

CXIX. That if in any Case it shall be proved to the Satisfaction of the Court that any Bankrupt is keeping out of the way, and cannot be personally served with a Summons, and that due Pains have been taken to effect such personal Service, or that there is probable Cause for believing that he is about to quit *England*, or to remove or conceal any of his Goods or Chattels, unless he be forthwith apprehended, it shall be lawful for such Court, by Warrant, to authorize and direct any Person or Persons it shall think fit to apprehend and arrest such Bankrupt, and bring him before the Court, to be examined in like Manner as if he appeared upon a Summons.

Court empowered to summon Persons suspected of having Bankrupt's Property, &c.

CXX. That after Adjudication it shall be lawful for the Court to summon before it any Person known or suspected to have any of the Estate of the Bankrupt in his Possession, or who is supposed to be indebted to the Bankrupt, or any Person the Court may believe capable of giving Information concerning the Person, Trade, Dealings, or Estate of the Bankrupt, or concerning any Act of Bankruptcy committed by him, or any Information material to the full Disclosure of his Dealings; and the Court may require such Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power which may appear to the Court necessary to the Verification of the Deposition of such Person, or to the full Disclosure of any of the Matters which the Court is authorized to inquire into; and if such Person so summoned as aforesaid shall not come before the Court at the Time appointed, having no lawful Impediment (made

known to the Court at the Time of its Sitting, and allowed by it), it shall be lawful for the Court, by Warrant, to authorize and direct the Person or Persons therein named for that Purpose to apprehend and arrest such Person, and bring him before the Court for Examination.

Service of Summons where Person keeps out of the way.

CXXI. That where it shall be shown by Affidavit to the Satisfaction of the Court that any Person to whom any such Summons is directed as aforesaid is keeping out of the way, and cannot be personally served therewith, and that due Pains have been taken to effect such personal Service, it shall be lawful for the Court to order by Endorsement upon the Summons that the Delivery of a Copy of such Summons to the Wife or Servant or some adult Inmate of the House or Family of the Person at his usual or last known Place of Abode or Business, and explaining the Purport thereof to such Wife, Servant, or Inmate, shall be equivalent to personal Service, and in every such Case the Service of such Summons in pursuance of such Order shall be and be deemed and taken to be of the same Force and Effect, to all Intents and Purposes, as if the Party to whom such Summons was directed had been personally served therewith.

Power to examine Persons summoned or present at any Sitting.

CXXII. That upon the Appearance of any Person summoned or brought before the Court upon any Warrant as aforesaid, or if any Person be present at any Sitting of the Court, it shall be lawful for the Court to examine every such Person upon Oath either by Word of Mouth or by Interrogatories in Writing, concerning the Person, Trade, Dealings, or Estate of any Bankrupt, or concerning any Act or Acts of Bankruptcy by any Bankrupt committed, and to reduce into Writing the Answers of every such Person, and such Answers so reduced into Writing such Person examined is hereby required to sign and subscribe.

In a Case of Debts admitted to be due to Bankrupt's Estate, Court may order Payment; and

CXXIII. That if any such Person examined as last aforesaid shall, in and by his Examination, signed and subscribed as aforesaid, and also in and by a separate Writing in the Form contained in the Schedule X. to this Act annexed, admit that he is indebted to the Bankrupt in any Sum of Money upon the Balance of Accounts, it shall be lawful for the Court, if it think fit, to order (in the Form contained in Schedule Y. to this Act annexed, or to the like Effect,) that such Person shall forthwith, or at such Time and in such Manner as to the Court may seem expedient, pay the Amount so admitted, in full Discharge thereof to the Official Assignee, together with the Costs of and incident to the Summons of such Person, if the Court think fit to award Costs, or the Court may, if it think fit, in the said Form contained in Schedule Y. to this Act annexed, order the Official Assignee to pay the Costs of the Person summoned out of the Estate of the Bankrupt; and every such Order shall have the Effect of a Judgment in Her Majesty's Superior Courts of Common Law, and may

such Order to have Effect of Judgment.

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Presence of Attorney on behalf of Party making the Admission.

may be enforced accordingly: Provided always, that no such Order shall be made unless there be present some Attorney of One of the Superior Courts on behalf of the Person making such Admission, expressly named by him, or, upon his Refusal to name such Attorney, named by the Court to act upon his Behalf, to inform him of the Effect of such Admission, before the same is signed and subscribed as aforesaid, and that such Attorney do sign his Name as a Witness to such Admission in the Form contained in the Schedule Y. to this Act annexed: Provided also, that if Part only of the Sum actually due be so admitted, or if the Court make an Order for Part only of the Sum admitted, the Residue may be recoverable in the same Manner in all respects as if no such Admission or Order had been made.

Court may order Letters addressed to Bankrupt to be re-directed or delivered to Official Assignee, &c.

CXXIV. That the Court may order that for a Period of Three Months from the Date of any such Order all Post Letters directed or addressed to any Bankrupt at the Place of which he shall be described in the Petition for Adjudication of Bankruptcy shall be re-directed, re-addressed, sent, or delivered by the Postmaster General, or the Officers acting under him, to the Official or other Assignee or other Person named in such Order; and upon Notice by Transmission of a Duplicate of any such Order to the Postmaster General or the Officers acting under him, by the Official or other Assignee or other Person named in such Order, of the making of such Order, it shall be lawful for the Postmaster General or such Officers as aforesaid, in *England*, *Scotland*, or *Ireland*, to re-address, re-direct, send, or deliver all such Post Letters to the Official or other Assignee or other Person named in such Order accordingly; and the Court may, upon any Application to be made for that Purpose, renew any such Order for a like or for any other less Period as often as may be necessary.

19. *Consequences of Adjudication in certain Cases.*

And with respect to the Power of the Court over certain Descriptions of Property, be it enacted,

Goods in the Possession, Order, or Disposition of the Bankrupt to be deemed his Property.

CXXV. That if any Bankrupt at the Time he becomes bankrupt shall, by the Consent and Permission of the true Owner thereof, have in his Possession, Order, or Disposition any Goods or Chattels whereof he was reputed Owner, or whereof he had taken upon him the Sale, Alteration, or Disposition as Owner, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors under the Bankruptcy: Provided that nothing herein contained shall invalidate or affect any Transfer or Assignment of any Ship or Vessel, or any Share thereof, made as a Security for any Debt or Debts, either by way of Mortgage or Assignment, duly registered according to the Provisions of an Act made in the Parliament holden in the Eighth and Ninth Years of the Reign of Her Majesty, intituled *An Act for the registering of* British *Vessels*, or any of the Acts therein mentioned.

Proviso for Assignments of Vessels under 8 & 9 Vict. c. 89.

CXXVI. That

19. *Consequences of Adjudication in certain Cases.*

Power of Court over certain Conveyances, &c. made by Bankrupt.

CXXVI. That if any Bankrupt, being at the Time insolvent, shall (except upon the Marriage of any of his Children, or for some valuable Consideration,) have conveyed, assigned, or transferred to any of his Children, or to any other Person, any Hereditaments, Offices, Fees, Annuities, Leases, Goods or Chattels, or have delivered or made over to any such Person any Bills, Bonds, Notes, or other Securities, or have transferred his Debts to any other Person or into any other Person's Name, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors under the Bankruptcy; and every such Sale shall be valid against the Bankrupt, and such Children and Persons, and against all Persons claiming under him.

Court may proceed when the Bankrupt by Fraud makes himself Accountant to the Crown.

CXXVII. That if any Real or Personal Estate or Debts of any Bankrupt be extended, after he shall have become bankrupt, by any Person, under Pretence of his being an Accountant of or Debtor to the Queen, the Court may examine upon Oath whether the said Debt was due to such Debtor or Accountant upon any Contract originally made between such Accountant and the Bankrupt; and if such Contract was originally made with any other Person than the said Debtor or Accountant, or in trust for any other Person, the Court may order such Real and Personal Estate or Debts to be sold, for the Benefit of the Creditors under the Bankruptcy, and such Sale shall be valid against the said Extent, and all Persons claiming under it; and any Person to whom the said Real and Personal Estate or Debts shall be bargained, sold, granted, or assigned by the Court shall have and may recover the same against any Person who shall detain the same.

Where Bankrupt beneficially entitled to Stock, Court may make Order for Transfer.

CXXVIII. That if any Bankrupt shall have any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in *England*, *Scotland*, or *Ireland*, standing in his Name in his own Right, it shall be lawful for the Court, by Writing, to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name of the Assignees, and to pay all Dividends upon the same to the Official Assignee; and all such Persons whose Act or Consent is so necessary are hereby indemnified for all things done or permitted pursuant to such Order.

Distress not to be available for more than One Year's Rent due; the Landlord to prove for the Residue.

CXXIX. That no Distress for Rent made and levied after an Act of Bankruptcy upon the Goods or Effects of any Bankrupt, whether before or after the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, shall be available for more than One Year's Rent accrued prior to the Date of the Fiat or the Day of the filing of such Petition, but the Landlord or Person to whom the Rent shall be due shall be allowed to come in as a Creditor for the Overplus of the Rent due, and for which the Distress shall not be available.

Where Bankrupt is a Trustee, the Lord Chancellor may order

CXXX. That if any Bankrupt shall as Trustee be seised, possessed of, or entitled to, either alone or jointly, any Real or Personal

Conveyance or Assignment to another Trustee.

Estate, or any Interest secured upon or arising out of the same, or shall have standing in his Name as Trustee, either alone or jointly, any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in *England*, *Scotland*, or *Ireland*, it shall be lawful for the Lord Chancellor, on the Petition of the Person entitled in possession to the Receipt of the Rents, Issues, and Profits, Dividends, Interest, or Produce thereof, on due Notice given to all other Persons (if any) interested therein, to order the Assignees and all Persons whose Act or Consent thereto is necessary to convey, assign, or transfer the said Estate, Interest, Stock, Funds, or Annuities, to such Person as the Lord Chancellor shall think fit, upon the same Trusts as the said Estate, Interest, Stock, Funds, or Annuities were subject to before the Bankruptcy, or such of them as shall be then subsisting and capable of taking effect, and also to receive and pay over the Rents, Issues, and Profits, Dividends, Interest, or Produce thereof, as the Lord Chancellor shall direct.

Titles to Property sold not to be impeached, unless Proceedings taken to annul and duly prosecuted.

CXXXI. That no Title to any Real or Personal Estate sold under any Bankruptcy shall be impeached by the Bankrupt, or any Person claiming under him, in respect of any Defect in the Fiat or Petition for Adjudication, or in any of the Proceedings under the same, unless the Bankrupt shall within the Time allowed by this Act have commenced Proceedings to dispute, dismiss, or annul the Fiat, Petition, or Adjudication, and duly prosecuted the same.

The Court, after Adjudication, may order any Treasurer, &c. or Agent of the Bankrupt, to deliver all Monies, &c.

CXXXII. That after the Adjudication of Bankruptcy in any Case shall have been advertised in the *London Gazette*, it shall be lawful for the Court to order any Treasurer or other Officer, or any Banker, Attorney, or Solicitor, or other Agent of the Bankrupt, to pay and deliver over to the Official Assignee, or to the Bank of *England*, to the Credit of the Accountant in Bankruptcy, according to the Rules which may be in force with respect to Payment into the Bank of *England* of Monies due to any Bankrupt's Estate, all Monies or Securities for Money in his Custody, Possession, or Power as such Officer or Agent, and which he is not by Law entitled to retain as against the Bankrupt or his Assignees.

20. *Of Transactions not affected by Bankruptcy.*

And with respect to Transactions with the Bankrupt, and Executions against his Property, up to the Time of the Bankruptcy, or within a limited Time previously thereto, be it enacted,

Payments, Conveyances, Contracts, &c., Executions against Lands (if executed by Seizure), and against Goods (if executed by Seizure and Sale), to be valid, if no Notice of prior Act of Bankruptcy;

CXXXIII. That all Payments really and *bonâ fide* made by any Bankrupt, or by any Person on his Behalf, before Date of the Fiat or the filing of a Petition for Adjudication of Bankruptcy, to any Creditor of such Bankrupt, and all Payments really and *bonâ fide* made to any Bankrupt before the Date of the Fiat or the filing of such Petition, and all Conveyances by any Bankrupt *bonâ fide* made and executed before the Date of the Fiat or the filing of such Petition, and all Contracts, Dealings, and Transactions by and with any Bankrupt

20. *Of Transactions not affected by Bankruptcy.*

rupt really and *bonâ fide* made and entered into before the Date of the Fiat or the filing of such Petition, and all Executions and Attachments against the Lands and Tenements of any Bankrupt *bonâ fide* executed by Seizure, and all Executions and Attachments against the Goods and Chattels of any Bankrupt *bonâ fide* executed and levied by Seizure and Sale before the Date of the Fiat or the filing of such Petition, shall be deemed to be valid, notwithstanding any prior Act of Bankruptcy by such Bankrupt committed, provided the Person so dealing with or paying to or being paid by such Bankrupt, or at whose Suit or on whose Account such Execution or Attachment shall have issued, had not at the Time of such Payment, Conveyance, Contract, Dealing, or Transaction, or at the Time of so executing or levying such Execution or Attachment, or at the Time of making any Sale thereunder, Notice of any prior Act of Bankruptcy by him committed: Provided also, that nothing herein contained shall be deemed or taken to give Validity to any Payment or to any Delivery or Transfer of any Goods or Chattels made by any Bankrupt, being a fraudulent Preference of any Creditor of such Bankrupt, or to any Conveyance or Equitable Mortgage made or given by any Bankrupt by way of fraudulent Preference of any Creditor of such Bankrupt, or to any Execution founded on a Judgment on a Warrant of Attorney or Cognovit Actionem or Judge's Order obtained by Consent given by any Bankrupt by way of fraudulent Preference.

but nothing herein to give Validity to Payments, &c. by way of fraudulent Preference.

CXXXIV. That no Purchase from any Bankrupt *bonâ fide* and for valuable Consideration, where the Purchaser had Notice at the Time of such Purchase of an Act of Bankruptcy by such Bankrupt committed, shall be impeached by reason thereof, unless a Fiat or Petition for Adjudication of Bankruptcy shall have been sued out or filed within Twelve Months after such Act of Bankruptcy.

Bonâ fide Purchases not to be impeached by Notice of Act of Bankruptcy, unless Fiat, &c. be sued out within Twelve Months after the Act of Bankruptcy.

21. *Of Warrants of Attorney, &c.*

CXXXV. That every Warrant of Attorney to confess Judgment in any personal Action, given by any Bankrupt after the Commencement of this Act, and within Two Months of the filing of a Petition for Adjudication of Bankruptcy by or against such Bankrupt, and being for or in respect of (wholly or in part) an antecedent Debt or Money Demand, and every Cognovit Actionem or Consent to a Judge's Order for Judgment given by any Bankrupt, at any Time after the Commencement of this Act, and within Two Months of the filing of any such Petition in any Action commenced by Collusion with the Bankrupt, and not adversely, or purporting to have been given in an Action, but having been in fact given before the Commencement of any Action against the Bankrupt, such Bankrupt being unable to meet his Engagements at the Time of giving such Warrant of Attorney, Cognovit Actionem, or Consent (as the Case may be) shall be deemed and taken to be null and void, whether

Certain Warrants of Attorney, Cognovits, and Consents to Judge's Order, given within Two Months of filing Petition, to be null and void.

21. *Of Warrants of Attorney, &c.*

whether the same shall have been given by such Bankrupt in contemplation of Bankruptcy or not.

Warrants of Attorney and Cognovits Actionem given by any Trader to be void, unless the same or a Copy thereof be filed, &c. within 21 Days after the Execution thereof.

CXXXVI. And be it enacted, That if after the Commencement of this Act any Warrant of Attorney to confess Judgment in any personal Action, or any Cognovit Actionem in any personal Action, shall have been given by any such Trader, and such Warrant of Attorney or Cognovit Actionem, or a true Copy thereof, shall not have been filed with the Officer acting as Clerk of the Docquets and Judgments in the Court of Queen's Bench within Twenty-one Days next after the Execution thereof, in Manner and Form provided by an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment*, every such Warrant of Attorney and Cognovit Actionem shall be deemed fraudulent, null, and void, to all Intents and Purposes whatever; and if any such Warrant of Attorney or Cognovit Actionem which shall be so filed as aforesaid shall have been given subject to any Defeazance or Condition, such Defeazance or Condition shall be written on the same Paper or Parchment on which such Warrant of Attorney or Cognovit Actionem shall be written, before the Time when the same or a Copy thereof respectively shall be filed, otherwise such Warrant of Attorney or Cognovit Actionem shall be null and void to all Intents and Purposes whatever.

3 G. 4. c. 39.

Judge's Order obtained by Consent given by any Trader Defendant to be void, unless the same or a Copy thereof be filed within 21 Days, in like Manner as Warrants of Attorney and Cognovits Actionem.

CXXXVII. And be it enacted, That every Judge's Order made by Consent given after the Commencement of this Act by any such Trader Defendant in any personal Action, and whereby the Plaintiff in such Action shall be authorized forthwith after the making of such Order, or at any future Time, to sign or enter up Judgment, or to issue or take out Execution in such Action, and whether such Order shall be made subject to any Defeazance or Condition or not, in case the Action in which such Order shall be made shall be in the Court of Queen's Bench, or in case the Action wherein the same is made shall be in any other Court, a true Copy of such Order shall, together with an Affidavit of the Time of such Consent being given, and a Description of the Residence and Occupation of the Defendant, be filed with the Officer acting as Clerk of the Docquets and Judgments in the said Court of Queen's Bench within Twenty-one Days after the making of such Order, in like Manner as a Warrant of Attorney in any personal Action and a Cognovit Actionem given by any Defendant in any personal Action, or Copies thereof and Affidavits of the Execution thereof respectively, may be filed with the said Clerk within the Space of Twenty-one Days after such Warrant of Attorney or Cognovit Actionem shall have been executed, otherwise such Judge's Order, and any Judgment signed or entered up thereon, and any Execution issued or taken out on such Judgment,

21. *Of Warrants of Attorney, &c.*

shall be null and void to all Intents and Purposes whatever; and the Provisions respectively contained in the said Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment*, and in an Act passed in the Parliament holden in the Sixth and Seventh Years of the Reign of Her Majesty, intituled *An Act to enlarge the Provisions of an Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment*, for Liberty to file Warrants of Attorney and Cognovits Actionem, or Copies thereof, with the Clerk of the Docquets and Judgments, and for the said Clerk to make certain Entries and Search in relation thereto, and for entering Satisfaction thereon, and for Fees for Search and filing and taking Office Copies, shall extend and be applicable to every such Judge's Order, in like Manner as to Warrants of Attorney and Cognovits Actionem mentioned in the said Acts.

3 G. 4. c. 39.

6 & 7 Vict. c. 66.

22. *Exemptions from Stamp Duty, &c.*

CXXXVIII. And be it enacted, That no Deed, Conveyance, Assignment, Surrender, Admission, or other Assurance of or to or relating solely to any Freehold, Leasehold, Copyhold, or Customary Messuages, Lands, or Tenements, or to any Mortgage, Charge, or other Incumbrance upon, or any Estate, Right, or Interest of and in, any Messuages, Lands, Tenements, or Personal Estate, being the Estate of or belonging to any Bankrupt, or Part or Parcel thereof, and which after the Execution of such Deed, Conveyance, Assignment, Surrender, or Assurance respectively shall, either at Law or in Equity, be or remain the Estate and Property of such Bankrupt, or of the Assignee appointed or chosen under any Bankruptcy, and no Power of Attorney, Writ of Supersedeas and Procedendo, Order, Certificate of Conformity, Affidavit, or other Instrument or Writing whatsoever relating solely to the Estate or Effects of any Bankrupt, or to any Part thereof, or to any Proceeding under any Bankruptcy, and no Affidavit, Bond, or other Proceeding under this Act, and no Advertisement inserted in the *London Gazette* relating solely to Matters in Bankruptcy, shall be liable to any Stamp Duty, or to any other Duty whatsoever, save and except such Stamp Duty as is mentioned in Schedule C. to this Act annexed.

Deeds and other Instruments relating to Bankruptcy not liable to Stamp Duty.

23. *Of the Choice of Assignees, their Rights and Duties.*

And with respect to the Choice of Assignees, and their Rights and Duties, be it enacted,

CXXXIX. That at the First Public Sitting appointed by the Court under any Bankruptcy, or at any Adjournment thereof, Assignees of the Bankrupt's Estate and Effects shall and may be chosen and appointed, and all Creditors who have proved Debts to the Amount of Ten Pounds and upwards shall be entitled to vote in such Choice, and also any Person authorized by Letter of Attorney from any such Creditor, upon Proof of the Execution thereof, either by Affidavit or

Assignees of the Bankrupt's Estate, when and how chosen.

23. Rights and Duties of Assignees.

Court may reject or remove any Person chosen as unfit.

or by Oath before the Court *vivâ voce;* and the Choice and Appointment shall be made by the major Part in Value of the Creditors so entitled to vote; provided that the Court shall have Power to reject any Person so chosen who shall appear to such Court unfit to be an Assignee, or to remove any Assignee, and upon such Rejection or Removal a new Choice and Appointment of another Assignee shall be made in like Manner.

Joint Creditor entitled to prove under separate Estate, for the Purpose of voting in the Choice of Assignees.

CXL. That if One or more of the Partners of a Firm be adjudged bankrupt, any Creditor to whom the Bankrupt is indebted jointly with the other Partners of the Firm, or any of them, shall be entitled to prove his Debt, for the Purpose only of voting in the Choice of Assignees, and of being heard against the Allowance of the Bankrupt's Certificates, or of either of such Purposes; but such Creditor shall not receive any Dividend out of the separate Estate of the Bankrupt until all the separate Creditors shall have received the full Amount of their respective Debts.

Personal Estate to vest in Assignees.

CXLI. That when any Person shall have been adjudged a Bankrupt, all his Personal Estate and Effects, present and future, wheresoever the same may be found or known, and all Property which he may purchase, or which may revert, descend, be devised or bequeathed or come to him, before he shall have obtained his Certificate, and all Debts due or to be due to him, wheresoever the same may be found or known, and the Property, Right, and Interest in such Debts, shall become absolutely vested in the Assignees for the Time being, for the Benefit of the Creditors of the Bankrupt, by virtue of their Appointment; and after such Appointment, neither the Bankrupt, nor any Person claiming through or under him, shall have Power to recover the same, nor to make any Release or Discharge thereof, neither shall the same be attached as the Debt of the Bankrupt by any Person according to the Custom of the City of *London* or otherwise, but such Assignees shall have like Remedy to recover the same in their own Names as the Bankrupt himself might have had if he had not been adjudged bankrupt.

Real Estate to vest in Assignees.

CXLII. That when any Person shall have been adjudged a Bankrupt, all Lands, Tenements, and Hereditaments, except Copy or Customaryhold, in *England*, *Scotland*, *Ireland*, or in any of the Dominions, Plantations, or Colonies belonging to Her Majesty, to which any Bankrupt is entitled, and all Interest to which such Bankrupt is entitled in any of such Lands, Tenements, or Hereditaments, and of which he might, according to the Laws of the several Countries, Dominions, Plantations, or Colonies, have disposed, and all such Lands, Tenements, and Hereditaments as he shall purchase, or shall descend, be devised, revert to, or come to such Bankrupt, before he shall have obtained his Certificate, and all Deeds, Papers, and Writings respecting the same, shall become absolutely vested in the Assignees for the

23. *Rights and Duties of Assignees.*

Time being, for the Benefit of the Creditors of the Bankrupt, by virtue of their Appointment, without any Deed of Conveyance for that Purpose; and as often as any such Assignee or Assignees shall die, or be lawfully removed or displaced, and a new Assignee or Assignees shall be duly appointed, such of the aforesaid Real Estate as shall remain unsold or unconveyed shall by virtue of such Appointment vest in the new Assignee or Assignees, either alone or jointly with the existing Assignees, as the Case may require, without any Conveyance for that Purpose.

Where a Conveyance of the Property of a Bankrupt would require to be registered, the Certificate of Appointment of the Assignees shall be registered.

CXLIII. That where according to Law any Conveyance or Assignment of any Real or Personal Property of a Bankrupt would require to be registered, enrolled, or recorded in any Registry Office in *England*, *Wales*, or *Ireland*, or in any Registry Office, Court, or other Place in *Scotland*, or in any of the Dominions, Plantations, or Colonies belonging to Her Majesty, then in every such Case the Certificate of the Appointment of Assignees of the Estate and Effects of the Bankrupt shall be registered in the Registry Office, Court, or Place wherein such Conveyance or Assignment would require to be registered, enrolled, or recorded, and such Registry shall have the like Effect to all Intents and Purposes as the Registry, Enrolment, or recording of such Conveyance or Assignment would have had; and the Title of any Purchaser of any such Property for valuable Consideration, without Notice of the Bankruptcy, who shall have duly registered, enrolled, or recorded his Purchase Deed previous to the Registry hereby directed, shall not be invalidated by reason of such Appointment of Assignees, or of the vesting of such Property in them consequent thereupon, unless the Certificate of such Appointment shall be registered as aforesaid within the Times following; (that is to say,) as regards the United Kingdom of *Great Britain* and *Ireland*, within Two Months from the Date of such Appointment, and as regards all other Places within Twelve Months from the Date thereof.

Assignees not to take Crop in any other way than Bankrupt would have been entitled to do.

CXLIV. That no Assignee of any Bankrupt's Estate, nor any Purchaser from any such Assignee of any Goods, Chattels, Stock, or Crop, being Part of the Estate of any Bankrupt engaged or employed in Husbandry on any Lands let to farm, shall take, use, or dispose of any Hay, Straw, Grass or Grasses, Turnips, or other Roots, or any other Produce of such Lands, or any Manure, Compost, Ashes, Seaweed, or other Dressings intended for such Lands, and being thereon, in any other Manner or for any other Purpose than such Bankrupt so employed in Husbandry ought to have taken, used, or disposed of the same if he had not been adjudged bankrupt.

Bankrupt not liable to Rents or Covenants in Conveyances, Leases, &c.; and if Assignees decline to determine

CXLV. That if the Assignees of the Estate and Effects of any Bankrupt having or being entitled to any Land either under a Conveyance to him in Fee or under an Agreement for any such Conveyance, subject

whether they will accept Conveyance, &c. any Person entitled may apply to the Court.

subject to any perpetual yearly Rent reserved by such Conveyance or Agreement, or having or being entitled to any Lease or Agreement for a Lease, shall elect to take such Land or the Benefit of such Conveyance or Agreement, or such Lease or Agreement for a Lease, as the Case may be, the Bankrupt shall not be liable to pay any Rent accruing after the issuing of the Fiat or filing of the Petition for Adjudication of Bankruptcy against him, or to be sued in respect of any subsequent Nonobservance or Nonperformance of the Conditions, Covenants, or Agreements in any such Conveyance or Agreement, or Lease or Agreement for a Lease; and if the Assignees shall decline to take such Land, or the Benefit of such Conveyance or Agreement, or Lease or Agreement for Lease, the Bankrupt shall not be liable if, within Fourteen Days after he shall have had Notice that the Assignees have declined, he shall deliver up such Conveyance or Agreement, or Lease or Agreement for Lease, to the Person then entitled to the Rent, or having so agreed to convey or lease, as the Case may be; and if the Assignees shall not (upon being thereto required) elect whether they will accept or decline such Land or Conveyance or Agreement for Conveyance, or such Lease or Agreement for a Lease, any Person entitled to such Rent, or having so conveyed or agreed to convey, or leased or agreed to lease, or any Person claiming under him, shall be entitled to apply to the Court, and the Court may order them to elect and deliver up such Conveyance or Agreement for Conveyance, or Lease or Agreement for Lease, in case they shall decline the same, and the Possession of the Premises, or may make such other Order therein as it shall think fit.

Vendor of Estate in Lands may compel Assignees to elect whether they will abide by or decline the Agreement for Sale.

CXLVI. That if any Bankrupt shall have entered into any Agreement for the Purchase of any Estate or Interest in Land, the Vendor thereof, or any Person claiming under him, if the Assignees shall not (upon being thereto required) elect whether they will abide by and execute such Agreement, or abandon the same, may apply to the Court, and the Court may thereupon order them to deliver up the Agreement, and the Possession of the Premises, to the Vendor or Person claiming under him, or may make such other Order therein as such Court shall think fit.

Assignees may execute Powers previously vested in Bankrupt.

CXLVII. That all Powers vested in any Bankrupt which he might legally execute for his own Benefit (except the Right of Nomination to any vacant Ecclesiastical Benefice) may be executed by the Assignees, for the Benefit of the Creditors, in such Manner as the Bankrupt might have executed the same.

Court may order Bankrupts to join in Conveyances.

CXLVIII. That it shall be lawful for the Court, upon the Application of the Assignees, or of any Purchaser from them of any Part of the Bankrupt's Estate, if such Bankrupt shall not try the Validity of the Adjudication, or if there shall have been a Verdict at Law establishing its Validity, to order the Bankrupt to join in any Conveyance

Conveyance of such Estate or any Part thereof; and if he shall not execute such Conveyance within the Time directed by the Order, such Bankrupt, and all Persons claiming under him, shall be stopped from objecting to the Validity of such Conveyance; and all Estate, Right, or Title which such Bankrupt had therein shall be as effectually barred by such Order as if such Conveyance had been executed by him.

Conditional Estates granted by the Bankrupt may be redeemed by Assignees.

CXLIX. That if any Bankrupt shall have granted, conveyed, assured, or pledged any Real or Personal Estate, or deposited any Deeds, such Grant, Conveyance, Assurance, Pledge, or Deposit being upon Condition or Power of Redemption at a future Day by Payment of Money or otherwise, the Assignees may, before the Time of the Performance of such Condition, make Tender or Payment of Money or other Performance, according to such Condition, as fully as the Bankrupt might have done; and after such Tender, Payment, or Performance such Real or Personal Estate may be sold and disposed of for the Benefit of the Creditors.

Assignees may appoint the Bankrupt to superintend the Management of the Estate.

CL. That in every Case the Assignees may, with the Approbation of the Court, appoint the Bankrupt himself to superintend the Management of the Estate, or to carry on the Trade for behoof of the Creditors, and in all or any other respects they may think fit to aid them in administering the Bankrupt's Estate and Effects, in such Manner and on such Terms as they may think best for the Benefit of the Persons interested in the Estate.

Assignees to be subject to Orders of the Court.

CLI. That the Assignees shall be subject to the Orders of the Court in their Conduct as Assignees; and it shall be lawful for the Court at all Times to summon the Assignees, and require them to produce all Books, Papers, Deeds, Writings, and other Documents relating to the Bankruptcy in their Possession, and to direct them to pay and deliver over to the Official Assignee all Monies, Books, Papers, Deeds, Writings, and other Documents which may have come to their Possession or Custody as such Assignees.

In case of a Member of a Firm becoming bankrupt, the Court may authorize Action or Suit in Name of the Assignees and of the remaining Partner.

CLII. That if any Person adjudged bankrupt shall at the Time of the Adjudication of Bankruptcy be a Member of a Firm, it shall be lawful for the Court to authorize the Assignees, upon their Application, to commence or prosecute any Action at Law or Suit in Equity, in the Name of such Assignees and of the remaining Partner, against any Debtor of the Partnership, and such Judgment, Decree, or Order may be obtained therein as if such Action or Suit had been instituted with the Consent of such Partner, and if such Partner shall execute any Release of the Debt or Demand for which such Action or Suit is instituted such Release shall be void; provided that every such Partner shall have Notice given him of such Application, and be at liberty to show Cause against it, and, if no Benefit be claimed by him by virtue of the said Proceedings, shall be indemnified against the Payment of any

Partner to have Notice, and be at liberty to show Cause.

23. *Rights and Duties of Assignees.*

any Costs in respect of such Action or Suit, in such Manner as the Court may direct; and that it shall be lawful for such Court, upon the Application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as such Court shall direct.

Court may direct Partner to have Part of Proceeds.

Assignees may institute or defend Actions or Suits, and compound for Debts due to the Estate, or submit Disputes to Arbitration.

CLIII. That the Assignees, with the Leave of the Court first obtained, upon Application to such Court, but not otherwise, may commence, prosecute, or defend any Action at Law or Suit in Equity which the Bankrupt might have commenced and prosecuted or defended, and in such Case the Costs to which they may be put in resect of such Suit or Action shall be allowed out of the Proceeds of the Estate and Effects of the Bankrupt; and with like Leave of the Court, after Notice to such Creditors, and subject to such Condition (if any) as to obtaining the Consent of Creditors, or any Proportion of them, as the Court shall think fit to direct, the Assignees may take such reasonable Part of any Debts due to the Bankrupt's Estate as may by Composition be gotten, or may give Time or take Security for the Payment of such Debts, and may submit to Arbitration any Difference or Dispute between the Assignees and any other Person for or on account or by reason of anything relating to the Estate and Effects of the Bankrupt.

Reference to Arbitration may be made a Rule of Court.

CLIV. That if the Assignees shall agree in manner aforesaid to refer any Matter in dispute to Arbitration, such Agreement of Reference may be made a Rule of any of Her Majesty's Superior Courts of Law at *Westminster*, whether such Agreement contain a Clause to that Effect or not.

If Fiat, Petition, or Adjudication be annulled, &c. Persons from whom the Assignees have recovered, or who have bonâ fide paid the Assignees, &c., discharged from Claims by the Bankrupt.

CLV. That all Persons from whom the Assignees shall have recovered any Real or Personal Estate, either by Judgment or Decree, are hereby discharged, in case the Fiat be afterwards superseded, or the Adjudication of Bankruptcy, or Petition for Adjudication, be afterwards annulled or dismissed, from all Demands which may thereafter be made in respect of the same by the Person against whom such Adjudication was made, and all Persons claiming under him; and all Persons who shall, without Action or Suit, *bonâ fide* deliver up Possession of any Real or Personal Estate to the Assignees, or pay any Debt claimed by them, are hereby discharged from all Claim of any such Person as aforesaid in respect of the same, or any Person claiming under him, provided the Persons so delivering up any Real or Personal Estate, or paying any Debt, shall not have had Notice of an Action, Suit, or other Proceeding to dispute or annul the Fiat or Adjudication or Petition for Adjudication, and such Action, Suit, or other Proceeding shall not have been commenced and prosecuted within the Time and in manner allowed by this Act.

If Assignee indebted to Bankrupt's Estate become bankrupt,

CLVI. That if any Assignee indebted to the Estate of which he is such Assignee in respect of Money, being Part of the Estate of the

Bankrupt,

Bankrupt, retained or employed by him, become bankrupt, and obtain his Certificate, it shall have the Effect only of freeing his Person from Arrest and Imprisonment, but his future Effects (his Tools of Trade, necessary Household Goods, and the necessary Wearing Apparel of himself, his Wife and Children, excepted,) shall remain liable for so much of his Debt to the Estate of which he was Assignee as shall not be paid by Dividends under his Bankruptcy, and for Interest at the Rate of Five *per Cent. per Annum* on the whole Debt.

his Certificate shall not discharge his future Effects in respect of such Debt.

CLVII. That whenever an Assignee shall die or be removed, or a new Assignee shall be chosen, no Action at Law or Suit in Equity shall be thereby abated, but the Court in which any Action or Suit is depending may, upon the Suggestion of such Death or Removal and new Choice, allow the Name of the surviving or new Assignee to be substituted in the Place of the former; and such Action or Suit shall be prosecuted in the Name or Names of the said surviving or new Assignee or Assignees, in the same Manner as if he had originally commenced the same.

Suits not to abate by Death or Removal of Assignees.

CLVIII. That if the Assignees commence any Action or Suit for any Money due to the Bankrupt's Estate before the Time allowed for the Bankrupt to dispute the Bankruptcy shall have elapsed, any Defendant in any such Action or Suit shall be entitled, after Notice given to the Assignees, to pay the same or any Part thereof into the Court in which such Action or Suit is brought, and all Proceedings with respect to the Money so paid into Court shall thereupon be stayed until such Time shall have elapsed; and if within that Time the Bankrupt shall not have commenced such Action, Suit, or other Proceeding as allowed by this Act, and prosecuted the same with due Diligence, the Money shall be paid out of Court to the Official Assignee, but otherwise shall abide the Event of such Action, Suit, or other Proceeding, and upon such Event shall be paid out of Court, either to the Official Assignee or the Person adjudged bankrupt, as the Court shall direct; and after such Payment of Money so made into Court it shall not be lawful for the Person so adjudged bankrupt to proceed against the Defendant for Recovery of the same Money.

If Assignees commence Action before Time allowed to dispute the Bankruptcy has elapsed, Debtor to Estate may pay Money into Court.

CLIX. That every Action brought against any Person for anything done in pursuance of this Act shall be commenced within Three Months next after the Fact committed; and the Defendant in any such Action may plead the General Issue, and give this Act and the special Matter in Evidence at the Trial, and that the same was done by Authority of this Act; and if it shall appear so to have been done, or that such Action was commenced after the Time limited as aforesaid for bringing the same, the Jury shall find for the Defendant; and if there be a Verdict for the Defendant, or if the Plaintiff shall be nonsuited, or discontinue his Action or Suit after Appearance thereto, or if upon Demurrer Judgment shall be given against the Plaintiff,

Limitation of Actions.

General Issue.

Costs.

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Plaintiff, the Defendant shall receive such full and reasonable Indemnity as to all Costs, Charges, and Expenses incurred in and about any such Action as shall be taxed by the proper Officer in that Behalf, subject to be reviewed in like Manner and by the same Authority as any other Taxation of Costs by such Officer.

24. *Last Examination.*

And with respect to the last Examination, be it enacted,

The Bankrupt to prepare and file a Balance Sheet and Accounts, &c.

CLX. That the Bankrupt shall prepare such Balance Sheet and Accounts, and in such Form as the Court shall direct, and shall subscribe such Balance Sheet and Accounts, and file the same in Court, and deliver a Copy thereof to the Official Assignee, Ten Days at least before the Day appointed for the last Examination, or the Adjournment Day thereof for that Purpose; and such Balance Sheet and Accounts, before such last Examination, may be amended from Time to Time as Occasion shall require, and such Court shall direct; and the Bankrupt shall make Oath of the Truth of such Balance Sheet and Accounts, whenever he shall be duly required by the Court so to do; and the last Examination of the Bankrupt shall in no Case be passed unless his Balance Sheet shall have been duly filed as aforesaid; and the Court may, on the Application of the Assignees, or of the Bankrupt, make such Allowance out of the Estate of the Bankrupt for the Preparation of such Balance Sheet and Accounts, and to such Person as the Court shall think fit, in any Case in which it shall be made to appear to the Satisfaction of the Court, from the Nature of the Accounts or other good Cause, that the Bankrupt required Assistance in that Behalf.

Bankrupts apprehended by Warrant.

CLXI. That if any Bankrupt apprehended by any Warrant of the Court shall, within the Time allowed for him to surrender, submit to be examined, and in all things conform, he shall have the same Benefit as if he had voluntarily surrendered.

Court may adjourn last Examination sine die.

CLXII. That it shall be lawful for the Court at the Time appointed for the last Examination of the Bankrupt, or at any Enlargement or Adjournment thereof, to adjourn such Examination *sine die*; and in such Case the Bankrupt shall be free from Arrest or Imprisonment, for such Time (if any) as such Court shall from Time to Time, by Endorsement on the Summons of the Bankrupt, think fit to appoint.

If Bankrupt in Prison or Custody, Court may appoint a Person to attend him with Books, Papers, &c., to enable him to prepare Balance Sheet.

CLXIII. That whenever any Bankrupt is in Prison or in Custody under any Process, Attachment, Execution, Commitment, or Sentence, the Court may appoint a Person to attend him from Time to Time, to produce to him his Books, Papers, and Writings, in order that he may prepare his Balance Sheet, and show the Particulars of his Estate and Effects, previous to his last Examination and Discovery thereof.

25.
Of Proof of Debts and Payments in full.

And with respect to the Proof of Debts and Payments in full, be it enacted,

When and how Debts may be proved;

CLXIV. That at the Sittings appointed by the Court for the Choice of Assignees and for the last Examination of the Bankrupt, and at every adjourned Sitting held for either of such Purposes, and at every other Sitting held for Proof of Debts, and whereof and of the Purport whereof Ten Days Notice shall have been given in the *London Gazette*, every Creditor of the Bankrupt may prove his Debt, by his own Oath; and all Bodies Politic and public Companies incorporated, or authorized to sue or bring Actions, either by Charter or Act of Parliament, may prove by an Agent, provided such Agent shall in his Deposition swear that he is such Agent, and that he is authorized to make such Proof; provided that it shall be lawful for the Court to examine upon Oath, either by Word of Mouth or by Interrogatories in Writing, every Person claiming to prove a Debt, or to require such further Proof, and to examine such other Persons in relation thereto, as such Court shall think fit.

By Corporations, &c.

Creditor may be examined upon Oath.

Bonâ fide Creditors, in respect of Debts contracted after an Act of Bankruptcy may prove.

CLXV. That every Person with whom any Bankrupt shall have really and *bonâ fide* contracted any Debt or Demand before the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy shall, notwithstanding any prior Act of Bankruptcy committed by such Bankrupt, be admitted to prove the same, as if no such Act of Bankruptcy had been committed, provided such Person had not, at the Time the same was contracted, Notice of any Act of Bankruptcy by such Bankrupt committed.

Payment of Assessed Taxes.

CLXVI. That the Court, out of the Estate and Effects of the Bankrupt, shall order Payment of all Duties of Assessed Taxes assessed on the Bankrupt at the Time of his Bankruptcy up to the Fifth Day of *April* next after the same shall have happened (such Payment not exceeding in the whole One Year's Assessment), and the Bankrupt shall not be liable to be assessed to such Duties after the said Fifth Day of *April* in respect of any Article kept and used for the Purposes of Trade at or before the Time of the Bankruptcy, which Article shall have been seized and surrendered and *bonâ fide* sold under the Bankruptcy, and not kept or used by the Bankrupt after the said Fifth Day of *April*.

If Bankrupt an Officer of, and have Monies, &c. in his Hands belonging to, any Friendly Society, Court to order Payment thereof before any of his other Debts are satisfied.

CLXVII. That if any Person already appointed or employed or who may be hereafter appointed to or employed in any Office in any Society established under any of the Acts relating to Friendly Societies, and being intrusted with the keeping of the Accounts or having in his Hands or Possession, by virtue of his Office or Employment, any Monies or Effects belonging to such Society, or any Deeds or Securities relating to the same, shall have been or shall become bankrupt, the Court shall, upon Application made by the Order of any

25. *Of Proof of Debts, &c.*

such Society or any Committee thereof, or the major Part of them, assembled at any Meeting thereof, order Payment and Delivery over to be made to such Society, or to such Person as such Society or Committee may appoint, of all Monies and other Things belonging to such Society, and shall also order Payment out of the Estate and Effects of the Bankrupt of all Sums of Money remaining due which the Bankrupt received by virtue of his said Office or Employment before any other of his Debts are paid or satisfied.

Court may order Three Months Wages or Salary to Clerks or Servants.

CLXVIII. That when any Bankrupt shall have been indebted at the Time of issuing the Fiat or filing the Petition for Adjudication of Bankruptcy to any Servant or Clerk of such Bankrupt in respect of the Wages or Salary of such Servant or Clerk, it shall be lawful for the Court, upon Proof thereof, to order so much as shall be so due, not exceeding Three Months Wages or Salary, and not exceeding Thirty Pounds, to be paid to such Servant or Clerk out of the Estate of such Bankrupt; and such Servant or Clerk shall be at liberty to prove for any Sum exceeding such Amount.

Court may order Wages not exceeding 40s. to Labourer or Workman.

CLXIX. That when any Bankrupt shall have been indebted at the Time of issuing the Fiat or filing the Petition for Adjudication of Bankruptcy to any Labourer or Workman of such Bankrupt in respect of the Wages or Labour of such Labourer or Workman, it shall be lawful for the Court, upon Proof thereof, to order so much as shall be so due, not exceeding Forty Shillings, to be paid to such Labourer or Workman out of the Estate of such Bankrupt; and such Labourer or Workman shall be at liberty to prove for any Sum exceeding such Amount.

Apprentices to Bankrupts discharged from their Indentures.

CLXX. That where any Person shall have been an Apprentice to a Bankrupt at the Time of the filing of a Petition for Adjudication of Bankruptcy, or of the issuing of a Fiat in Bankruptcy, the filing of such Petition, or the issuing of such Fiat, shall be and enure as a complete Discharge of the Indenture whereby such Apprentice was bound; and if any Sum shall have been really and *bonâ fide* paid, by or on the behalf of such Apprentice, to the Bankrupt, as an Apprentice Fee, it shall be lawful for the Court, upon Proof thereof, to order any Sum to be paid out of the Estate of the said Bankrupt, to or for the Use of such Apprentice, which such Court shall think reasonable, regard being had, in estimating such Sum, to the Amount of the Sum so paid by or on behalf of such Apprentice, and to the Time during which such Apprentice shall have resided with the Bankrupt previous to the filing of such Petition or the issuing of such Fiat.

Court may order any Sum to be paid in respect of Apprentice Fees.

Mutual Debts and Credits may be set off, notwithstanding prior Act of Bankruptcy.

CLXXI. That where there has been mutual Credit given by the Bankrupt and any other Person, or where there are mutual Debts between the Bankrupt and any other Person, the Court shall state the Account between them, and one Debt or Demand may be set against

25. *Of Proof of Debts, &c.*

against another, notwithstanding any prior Act of Bankruptcy committed by such Bankrupt before the Credit given to or the Debt contracted by him; and what shall appear due on either Side on the Balance of such Account, and no more, shall be claimed or paid on either Side respectively; and every Debt or Demand hereby made provable against the Estate of the Bankrupt may also be set off in manner aforesaid against such Estate, provided that the Person claiming the Benefit of such Set-off had not, when such Credit was given, Notice of an Act of Bankruptcy by such Bankrupt committed.

Debts not payable at the Time of the Bankruptcy may be proved, deducting Rebate of Interest.

CLXXII. That any Person who shall have given Credit to the Bankrupt upon valuable Consideration for any Money or other Matter or Thing whatsoever which shall not have become payable when such Bankrupt committed an Act of Bankruptcy, and whether such Credit shall have been given upon any Bill, Bond, Note, or other negotiable Security, or not, shall be entitled to prove such Debt, Bill, Bond, Note, or other Security as if the same was payable presently, and receive Dividends equally with the other Creditors, deducting only thereout a Rebate of Interest for what he shall so receive at the Rate of Five Pounds *per Centum per Annum*, to be computed from the Declaration of a Dividend to the Time such Debt would have become payable according to the Terms upon which it was contracted.

Sureties and Persons liable for the Debts of a Bankrupt may prove, after having paid such Debts.

CLXXIII. That any Person who at the Time of issuing the Fiat, or of filing a Petition for Adjudication of Bankruptcy, 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 issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy,) if the Creditor shall have proved his Debt under the Bankruptcy, shall be entitled to stand in the Place of such Creditor as to the Dividends and all other Rights under the Bankruptcy which such Creditor possessed or would be entitled to in respect of such Proof; or if the Creditor shall not have proved, such Surety or Person liable, or Bail, shall be entitled to prove his Demand in respect of such Payment as a Debt under the Bankruptcy, not disturbing the former Dividends, and may receive Dividends with the other Creditors, although he may have become Surety, liable, or Bail as aforesaid, after an Act of Bankruptcy committed by the Bankrupt, provided that such Person had not, when he became such Surety or Bail, or so liable as aforesaid, Notice of any Act of Bankruptcy by such Bankrupt committed.

Obligees in Bottomry or Respondentia Bonds, and Assured in Policy of Insurance, admitted to claim, and after Loss to prove.

CLXXIV. That the Obligee in any Bottomry or Respondentia Bond, and the Assured in any Policy of Insurance, made upon good and valuable Consideration, shall be admitted to claim, and, after the Loss

25. *Of Proof of Debts, &c.*

Loss or Contingency shall have happened, to prove his Debt or Demand in respect thereof, and receive Dividends with the other Creditors, as if the Loss or Contingency had happened before the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy against such Obligor or Insurer; and the Person effecting any Policy of Insurance upon Ships or Goods with any Person (as a Subscriber or Underwriter) having become or becoming bankrupt, shall be entitled to prove any Loss to which such Bankrupt shall be liable in respect of such Subscription, although the Person so effecting such Policy was not beneficially interested in such Ships or Goods, in case the Person so interested is not within the United Realm.

Persons effecting Insurance admitted to prove Loss.

Annuity Creditor admitted to prove.

CLXXV. That any Annuity Creditor of any Bankrupt, by whatever Assurance the same be secured, and whether there were or not any Arrears of such Annuity due at the Bankruptcy, shall be entitled to prove for the Value of such Annuity, which Value the Court shall ascertain, regard being had to the original Price given for such Annuity, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the Date of the Fiat or the filing of the Petition for Adjudication of Bankruptcy.

Sureties for Payment of Annuities granted by Bankrupt, in what Manner to come in, under the Bankruptcy.

CLXXVI. That it shall not be lawful for any Person entitled to any Annuity granted by any Bankrupt to sue any Person who may be collateral Surety for the Payment of such Annuity until such Annuitant shall have proved against such Bankrupt's Estate for the Value of such Annuity, and for the Arrears thereof; and if such Surety, after such Proof, pay the Amount proved, he shall be thereby discharged from all Claims in respect of such Annuity; and if such Surety shall not (before any Payment of the Annuity subsequent to the Bankruptcy shall have become due) pay the Sum so proved, he may be sued for the accruing Payments of such Annuity, until such Annuitant shall have paid or satisfied the Amount so proved, with Interest thereon at the Rate of Four Pounds *per Centum per Annum* from the Time of Notice of such Proof, and of the Amount thereof, being given to such Surety; and after such Payment or Satisfaction such Surety shall stand in the Place of such Annuitant, in respect of such Proof, to the Amount so paid or satisfied by such Surety, and the Certificate of the Bankrupt shall be a Discharge to him from all Claims of such Annuitant or of such Surety in respect of such Annuity; provided that such Surety shall be entitled to Credit, in account with such Annuitant, for any Dividends received by such Annuitant under the Bankruptcy before such Surety shall have fully paid or satisfied the Amount so proved.

Debt contingent at the Time of the Bankruptcy to be provable for the Value thereof

CLXXVII. That if any Bankrupt shall, before the issuing of the Fiat or the filing of a Petition for Adjudication of Bankruptcy, have

contracted any Debt payable upon a Contingency which shall not have happened before the issuing of such Fiat or the filing of such Petition, the Person with whom such Debt has been contracted may, if he think fit, apply to the Court to set a Value upon such Debt, and the Court is hereby required to ascertain the Value thereof, and to admit such Person to prove the Amount so ascertained, and to receive Dividends thereon; or if such Value shall not be so ascertained before the Contingency shall have happened, then such Person may, after such Contingency shall have happened, prove in respect of such Debt, and receive Dividends with the other Creditors, not disturbing any former Dividends; provided such Person had not, when such Debt was contracted, Notice of any Act of Bankruptcy by such Bankrupt committed.

ascertained by the Court, or if Value not ascertained before the Contingency has happened, then, after the Contingency has happened, Amount of Debt may be proved.

CLXXVIII. That if any Trader who shall become bankrupt after the Commencement of this Act shall have contracted, before the filing of a Petition for Adjudication of Bankruptcy, a Liability to pay Money upon a Contingency which shall not have happened, and the Demand in respect thereof shall not have been ascertained before the filing of such Petition, in every such Case, if such Liability be not provable under any other Provision of this Act, the Person with whom such Liability has been contracted shall be admitted to claim for such Sum as the Court shall think fit; and after the Contingency shall have happened, and the Demand in respect of such Liability shall have been ascertained, he shall be admitted to prove such Demand, and receive Dividends with the other Creditors, and, so far as practicable, as if the Contingency had happened and the Demand had been ascertained before the filing of such Petition, but not disturbing former Dividends, provided such Person had not, at the Time such Liability was contracted, Notice of any Act of Bankruptcy by such Bankrupt committed; provided also, that where any such Claim shall not have, either in whole or in part, been converted into a Proof within Six Months after the filing of such Petition, it may, upon the Application of the Assignees at any Time after the Expiration of such Time, and if the Court shall think fit, be expunged either in whole or in part from the Proceedings.

Liability contingent at the Bankruptcy may be admitted to claim, and after Contingency has happened, and the Demand been ascertained, Demand may be proved.

CLXXIX. That in case of the Bankruptcy of any Agent intrusted with the Possession of Goods within the Meaning of an Act passed in the Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to amend the Law relating to Advances* bonâ fide *made to Agents intrusted with Goods*, the Owner of any Goods so intrusted to such Agent, and which shall have been redeemed by such Owner in manner provided by the said Act after having been pledged by such Agent, shall, in respect of the Sum paid by him on account of such Agent for such Redemption, be held to have paid such Sum for the Use of such Agent before his Bankruptcy,

On Bankruptcy of Agent intrusted with Goods, but which have been pledged by him, Owner may prove for Amount paid to redeem, or for Value if the Goods be unredeemed.

5 & 6 Vict. c. 39.

25. *Of Proof of Debts, &c.*

Bankruptcy, or in case such Goods shall not be so redeemed the Owner shall be deemed a Creditor of such Agent for the Value of the Goods so pledged at the Time of the Pledge, and shall, if he shall think fit, be entitled in either of such Cases to prove for or set off the Sum so paid, or the Value of such Goods, as the Case may be.

Interest upon Debts, when provable, though not reserved or agreed for.

CLXXX. That upon all Debts or Sums certain, payable at a certain Time or otherwise, whereupon Interest is not reserved or agreed for, and which shall be overdue at the issuing of the Fiat or filing of the Petition for Adjudication of Bankruptcy and provable thereunder, the Creditor shall be entitled to prove for Interest, to be calculated, at a Rate not exceeding Four Pounds *per Centum per Annum*, up to the Date of the Fiat or the filing of such Petition, from the Time when such Debts or Sums certain were payable, if such Debts or Sums be payable by virtue of some written Instrument at a certain Time, or if payable otherwise, then from the Time when Demand of Payment shall have been made in Writing, so as such Demand shall give Notice to the Debtor that Interest will be claimed from the Date of such Demand until the Time of Payment.

Plaintiff or Defendant obtaining Judgment, &c. entitled to prove for Costs, &c.

CLXXXI. That if any Plaintiff in any Action at Law or Suit in Equity, or Petitioner in Bankruptcy or Lunacy, shall have obtained any Judgment, Decree, or Order against any Person who shall thereafter become bankrupt for any Debt or Demand in respect of which such Plaintiff or Petitioner shall prove under the Bankruptcy, such Plaintiff or Petitioner shall also be entitled to prove for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the Time of the Bankruptcy; and if any Defendant shall have obtained any Judgment, Decree, or Order in any such Action or Suit, or in the Matter of any such Petition, against any Person who shall thereafter become bankrupt, such Defendant shall be entitled to prove for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the Time of the Bankruptcy.

Proving Debt to be an Election not to proceed against the Bankrupt by Action.

CLXXXII. That no Creditor who has brought any Action or instituted any Suit against any Bankrupt in respect of a Demand prior to the Bankruptcy, or which might have been proved as a Debt under the Bankruptcy, shall prove a Debt under such Bankruptcy, or have any Claim entered upon the Proceedings, without relinquishing such Action or Suit, and the proving or claiming a Debt under a Fiat or Petition for Adjudication of Bankruptcy by any Creditor shall be deemed an Election by such Creditor to take the Benefit of such Fiat or Petition with respect to the Debt so proved or claimed; provided that such Creditor shall not be liable to the Payment to such Bankrupt or his Assignees of the Costs of such Action or Suit so relinquished by him, and that where any such Creditor shall have brought

25. *Of Proof of Debts, &c.*

brought any Action or Suit against such Bankrupt jointly with any other Person or Persons, his relinquishing such Action or Suit against the Bankrupt shall not affect such Action or Suit against such other Person or Persons; provided also, that any Creditor who shall have so proved or claimed, if the Fiat or Petition for Adjudication be afterwards superseded or dismissed, may proceed in the Action as if he had not so proved or claimed, and in bailable Actions shall be at liberty, under the Authority of a Judge's Order for that Purpose, obtained in like Manner as may now by Law be done, to arrest the Defendant *de novo*, if he has not put in Bail below or perfected Bail above, or if the Defendant has put in or perfected such Bail to have recourse against such Bail, by requiring the Bail below to put in and perfect Bail above within the first Eight Days in Term after Notice in the *London Gazette* of the first superseding or dismissing such Fiat or Petition, and by suing the Bail upon their Recognizance, if the Condition thereof is broken.

Court may expunge Proof of any Debts which, after Investigation, do not appear to be due.

CLXXXIII. That whenever it shall appear to the Assignees, or to Two or more Creditors who have each proved Debts to the Amount of Twenty Pounds or upwards, that any Debt proved is not justly due, either in whole or in part, such Assignees or Creditors may make Representation thereof to the Court; and it shall be lawful for the Court to summon and examine upon Oath any Person who shall have so proved, together with any Person whose Evidence may appear to the Court to be material, either in support of or in opposition to any such Debt; and if the Court, upon the Evidence given on both Sides, or (if the Person who shall have proved shall not attend to be examined, having been first duly summoned, or Notice having been left at his last Place of Abode,) upon the Evidence adduced by such Assignees or Creditors, shall be of opinion that such Debt is not due, either wholly or in part, the Court shall be at liberty to expunge the same, either wholly or in part, from the Proceedings; provided that such Assignees or Creditors requiring such Investigation shall, before it is instituted, sign an Undertaking, to be filed with the Proceedings, to pay such Costs as the Court shall adjudge to the Creditor who has proved such Debt, such Costs to be recovered by Application to the Court, upon which an Order for Payment thereof may be made by the Court; provided also, that such Assignees or Creditors may apply in the first instance to the Vice Chancellor, or either Party may appeal against the Determination of the Court of Bankruptcy.

Persons requiring Investigation to sign Undertaking for Costs.

Application may be made in first instance to Vice Chancellor.

Creditors having Security not to receive more than other Creditors.

CLXXXIV. That no Creditor having Security for his Debt, or having made any Attachment in *London* or in any other Place, by virtue of any Custom there used, of the Goods and Chattels of the Bankrupt, shall receive upon any such Security or Attachment more than a rateable Part of such Debt, except in respect of any Execution

or

25. *Of Proof of Debts, &c.*

or Extent served and levied by Seizure and Sale upon or any Mortgage of or Lien upon any Part of the Property of such Bankrupt before the Date of the Fiat or the filing of a Petition for Adjudication of Bankruptcy: Provided always, that nothing herein contained shall be deemed to give Validity to any Warrant of Attorney, Cognovit, or Consent to a Judge's Order declared to be null and void by any Provision of this Act, nor to give Validity to any Judgment entered up under or by virtue of any such Warrant of Attorney or Consent, or to any Execution or Extent executed or levied under or by virtue of any such Warrant of Attorney, Cognovit, or Consent.

26. *Of the Audit.*

And with respect to the Audit, be it enacted,

Appointment of Sitting for Audit.

CLXXXV. That the Court shall, whenever it shall think fit, appoint a public Sitting to be holden after the Sitting appointed for the last Examination of the Bankrupt, (of which public Sitting and of the Purport whereof Ten Days Notice shall be given in the *London Gazette*,) to audit the Accounts of the Assignees; and at such Sitting the Assignees shall deliver upon Oath a true Statement in Writing of all Money received by them respectively, and when, and on what Account, and how the same has been employed; and the Court shall examine such Statement, and compare the Receipts with the Payments, and ascertain what Balances have been from Time to Time in the Hands of such Assignees respectively, and it shall be lawful for the Court to examine the Assignees upon Oath touching the Truth of such Accounts, and to make therein all just Allowances.

Court may direct Money to be invested in Exchequer Bills.

CLXXXVI. That the Court may, as often as it shall appear expedient for the Bankrupt's Estate, direct any Money, Part of such Estate, to be invested in the Purchase of Exchequer Bills, for the Benefit of the Creditors, and may direct where and with whom such Exchequer Bills shall be kept, and cause such Exchequer Bills to be sold when it shall appear to such Court expedient, and may direct the Proceeds thereof to be again laid out in the Purchase of Exchequer Bills, or to be applied for the Benefit of the Creditors, the making of any such Purchase or Sale to be subject to the Rules or Orders at any Time in force under this Act relating to the Purchase, Sale, or Transfer of Exchequer Bills by the Accountant in Bankruptcy.

27. *Of the Dividend.*

And with respect to the Dividend, be it enacted,

Method of making Dividends.

CLXXXVII. That the Court shall, whenever it shall think fit, appoint a public Sitting to be holden after the Sitting appointed for the last Examination of the Bankrupt, when there are Assets wherewith a Dividend may be made, (of which public Sitting and of the Purport whereof Twenty-one Days Notice shall be given in the *London Gazette*,) to make a Dividend of the Bankrupt's Estate, and shall at such Sitting direct such Part of the net Produce of the Bankrupt's Estate as it may think fit to be forthwith divided amongst

27. *Of the Dividend.*

such Creditors as have proved Debts under the Bankruptcy, in proportion to their respective Debts, and shall make an Order in Writing under the Hand of the Commissioner for Dividend accordingly, to be filed with the Proceedings, which Order shall contain an Account of the Amount of the Debts proved, of the Money to be divided, of how much in the Pound is then ordered to be paid to the Creditors, and of the Money allowed by the Court to be retained, and of the Reason for retaining the same; and the Official Assignee, in pursuance of such Order, shall forthwith make such Dividend in manner directed by the Rules at any Time in force under this Act relating to the Mode of Payment of Dividends by the Official Assignees; but no Dividend shall be declared unless the Accounts of the Assignees shall have been first audited.

No Dividend without previous Audit.

Final Dividend within Eighteen Months, except where Suit depending, or Estate standing out, &c.

CLXXXVIII. That if the Bankrupt's Estate shall not have been wholly divided upon the First Dividend, the Court shall, within Eighteen Months after the issuing of the Fiat, or the filing of the Petition for Adjudication of Bankruptcy, appoint a public Sitting (whereof and of the Purport whereof Twenty-one Days Notice shall be given in the *London Gazette*) to make a Second Dividend, when all Creditors who have not proved their Debts may prove the same, and at such Sitting, but after such an Audit as is directed by this Act, shall order the Balance in hand to be forthwith divided among such of the Creditors as shall have proved their Debts; and such Second Dividend shall be final, unless any Action at Law or Suit in Equity be depending, or any Part of the Estate be standing out not sold or disposed of, or unless some other Estate or Effects of the Bankrupt shall afterwards come to the Assignees, in which Case they shall, as soon as may be, convert such Estate and Effects into Money, and within Two Months after the same shall be so converted the same shall also be divided in manner aforesaid; and if at the Expiration of Two Years from the issuing of any Fiat, or the filing of any Petition for Adjudication of Bankruptcy, there shall remain any outstanding Debts or other Property due or belonging to the Estate of the Bankrupt, which cannot, in the Opinion of the Court, be collected and received without unreasonable or inconvenient Delay, it shall be lawful for the Assignees, under the Direction of the Court, to sell and assign such Debts and other Property, and also the Books of the Bankrupt relating to his Trade, Dealings, or Estate, in such Manner and subject to such Conditions as shall be ordered by the Court; and any Person to whom any of such Debts shall be so sold or assigned may sue for the same in his own Name as fully as the Assignees of such Bankrupt might have done.

Outstanding Debts, &c. may be sold by the Assignees after a certain Time under the Order of the Court.

Debtor and Creditor Account to be furnished by Official Assignee to Creditors Assignee, &c. before final Dividend.

CLXXXIX. That Fourteen Days before a final Dividend shall be advertised under any Bankrupt's Estate there shall be sent by the Official Assignee to each Creditor's Assignee of such Estate a Debtor and

27. *Of the Dividend.*

and Creditor Account between the Official Assignee and such Estate, showing also the Monies remaining uncollected under such Estate, and the Cause of such Monies remaining uncollected; and a Copy of such Account shall be delivered to any Creditor who shall apply for the same to the Official Assignee, and who shall have proved or claimed a Debt, and to any other Person, such Person, if not a Creditor, paying such Sum, not exceeding Two Shillings and Sixpence, as shall be settled by the Court for every such Copy.

No Action to be brought for Dividends; but the Remedy to be by Application to the Court.

CXC. That no Action for any Dividend shall be brought against any Assignee by any Creditor who shall have proved under the Bankruptcy; but if the Official Assignee shall refuse to pay any such Dividend, the Court may order Payment thereof, with Interest for the Time that it shall have been withheld, and may also order the Costs of the Application.

28. *Of Unclaimed Dividends.*

And with respect to unclaimed Dividends, be it enacted,

Unclaimed Dividends, &c. to be paid into the Bank to the Credit of the Accountant in Bankruptcy, and carried to "Unclaimed Dividend Account."

CXCI. That all unclaimed Dividends, and also any undivided Surplus of a Bankrupt's Estate over and above the Amount finally directed to be divided amongst the Creditors of any Bankrupt, shall be paid into the Bank of *England* to the Credit of the Accountant in Bankruptcy, to be carried to the Account intituled "The Unclaimed Dividend Account," subject to the Order of the Lord Chancellor, or of the Vice Chancellor, or of any Court acting in prosecution of any Bankruptcy, for the Payment thereout of any Dividend due to any Creditor.

How unclaimed Dividends, &c. in the Hands of Assignees to be disposed of.

CXCII. That, subject to any Rule at any Time in force under this Act relating to unclaimed Dividends, if any Assignee under any Bankruptcy shall have, either in his own Hands, or at any Bankers, or otherwise subject to his Order or Disposition, or shall know that there is or are in the Hands or subject to the Order and Disposition of himself and any Co-assignee or Co-assignees, or of any or either of them, any unclaimed Dividend or Dividends, or any such undivided Surplus as aforesaid, such Assignee shall, as to any such now existing unclaimed Dividend or Dividends, within One Year after the passing of this Act, and as to any future Dividend or Dividends within Three Calendar Months next after the Expiration of One Year from the Time of the Declaration and Order of Payment of such future Dividend or Dividends, either pay the same to the Creditor or Creditors or other the Person or Persons entitled to the same respectively, or cause a Certificate thereof respectively to be filed in the Office of the Lord Chancellor's Secretary of Bankrupts, containing a full and true Account of the Name or Names of the Creditor or Creditors to whom such unclaimed Dividend or Dividends is or are respectively due,

and

28. *Of Unclaimed Dividends.*

and of the Amount of such Dividend or Dividends respectively, and shall in like Manner, as to any such now existing undivided Surplus as aforesaid within One Year after the passing of this Act, and as to any such future undivided Surplus as aforesaid within Three Calendar Months next after the Expiration of One Year after the final Declaration of Dividends, cause a Certificate, stating the full and true Amount of such Surplus, to be filed in the Office of the Lord Chancellor's Secretary of Bankrupts; and every Certificate to be filed as aforesaid shall be signed by the Assignee or Assignees filing the same; and every Assignee shall, within One Year next after the filing of any such Certificate as aforesaid, pay or cause to be paid into the Bank of *England* to the Name of the Accountant in Bankruptcy, to be carried to the Account intituled "The Unclaimed Dividend Account," the full Amount of the unclaimed Dividends mentioned in such Certificate, or so much thereof as shall not have been then paid to the Creditor or Creditors or other Person or Persons entitled thereto, and also the full Amount of such undivided Surplus as aforesaid; and every Official Assignee shall cause a Certificate to be filed of all unclaimed Dividends and undivided Surplus belonging to any Bankrupt's Estate under his Care and Management, in such Manner and subject to such Provisions as above prescribed with respect to unclaimed Dividends and undivided Surplus, and as if the Official Assignee had such Dividends or undivided Surplus in his own Hands: Provided always, that no Certificate of any unclaimed Dividends shall be filed until the Expiration of One Year after the Declaration and Order for Payment of such Dividends.

Bank of England to receive from Assignees and give a Receipt for any Sum mentioned in a Certificate of the Accountant in Bankruptcy.

CXCIII. That the Accountant in Bankruptcy shall, on the Application of any Assignee, give to him a Certificate stating the Amount of any Sum of Money which he may be desirous of paying into the Bank of *England* under the Provisions herein-before contained, and on the Production of such last-mentioned Certificate the Governor and Company of the Bank of *England* shall receive the Sum therein mentioned, and give a Receipt for the same, and shall forthwith carry the same to the Credit of the Accountant in Bankruptcy to the Account intituled "The Unclaimed Dividend Account;" and every such Certificate and Receipt shall be given without Fee or Reward.

29. *Of Allowances to the Bankrupt.*

And with respect to Allowances to the Bankrupt, be it enacted,

Allowance to Bankrupt for Maintenance.

CXCIV. That it shall be lawful for the Court, if it think fit, from Time to Time to make such Allowance to the Bankrupt out of his Estate, until he shall have passed his last Examination, as shall be necessary for the Support of himself and his Family: Provided always, that no such Allowance shall be made by the Court for any Period after the Adjournment of the last Examination *sine Die*.

CXCV. That

29. *Of Allowances to the Bankrupt.*

Allowance to Bankrupt, 5 per Cent., and not exceeding 400*l.*, as soon as 10*s.* paid in the Pound;

7½ per Cent., and not exceeding 500*l.*, if 12*s.* 6*d.*;

10 per Cent., and not exceeding 600*l.*, if 15*s.*

Allowance not payable till Twelve Months after the Bankruptcy, and then only if requisite Amount of Dividends paid.

If at Expiration of Twelve Months the Dividends paid be under 10*s.*, Bankrupt may be allowed not exceeding 3 per Cent., and 300*l.*

CXCV. That every Bankrupt who shall have obtained his Certificate, if the net Produce of his Estate in hand shall by any Order of Dividend (with or without prior Dividend) pay the Creditors who before or at the Time of making such Order have proved under the Bankruptcy Ten Shillings in the Pound, shall be allowed and paid Five Pounds *per Centum* out of such Produce, provided such Allowance shall not exceed Four hundred Pounds; and every such Bankrupt, if such Produce shall (with or without prior Dividend) pay such Creditors Twelve Shillings and Sixpence in the Pound, shall be allowed and paid as aforesaid Seven Pounds Ten Shillings *per Centum*, provided such Allowance shall not exceed Five hundred Pounds; and every such Bankrupt, if such Produce shall (with or without prior Dividend) pay such Creditors Fifteen Shillings in the Pound or upwards, shall be allowed and paid Ten Pounds *per Centum*, provided such Allowance shall not exceed Six hundred Pounds; provided always, that no such Allowance shall be payable to any Bankrupt until after the Expiration of Twelve Months from the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, and such Allowance shall then be payable only in the event of the Dividends paid to the Creditors who at any Time before the Expiration of such Twelve Months shall have proved Debts, being of the requisite Amount in that Behalf aforesaid; and if at the Expiration of such Time the Dividends paid shall not amount to Ten Shillings in the Pound, it shall be lawful for the Court to allow such Bankrupt so much as the Assignees and Court shall think fit, not exceeding Three Pounds *per Centum* and Three hundred Pounds: Provided always, that the Court shall, if it think fit, reduce any Allowance in case it shall have only granted the Bankrupt a Certificate of the Second or Third Class.

One Partner may receive Allowance, although other not entitled.

CXCVI. That in all joint Fiats or Petitions for Adjudication of Bankruptcy under which any Partner shall have obtained his Certificate, if a sufficient Dividend shall have been paid upon the joint Estate and upon the separate Estate of such Partner, he shall be entitled to his Allowance, although the other Partner may not be entitled to any Allowance.

If Produce of Estate pay Twenty Shillings in the Pound, and leave Surplus, such Surplus to be paid to Bankrupt after Payment of Interest on Debts.

CXCVII. That if the Produce of the Estate of any Bankrupt shall be sufficient to pay Twenty Shillings in the Pound and Interest as herein-after mentioned, and to leave a Surplus, the Court may order such Surplus to be paid to such Bankrupt, his Executors, Administrators, or Assigns; and every such Bankrupt shall be entitled to recover the Remainder, if any, of the Debts due to him; but such Surplus shall not be paid until all the Creditors who have proved shall have received Interest upon their Debts to be calculated and paid at the Rate and in the Order following; *viz.*, all Creditors

29. *Of Allowances to the Bankrupt.*

Creditors whose Debts are by Law entitled to carry Interest in the event of a Surplus shall first receive Interest on such Debts at the Rate of Interest reserved or by Law payable or provable thereon, to be calculated from the Date of the Fiat or the filing of the Petition for Adjudication of Bankruptcy; and after such Interest shall have been paid, all other Creditors who have proved shall receive Interest on their Debts from the Date of the Fiat or of such Petition at the Rate of Four Pounds *per Centum per Annum*.

30. *Of the Certificate of Conformity.*

And with respect to the Certificate of Conformity, be it enacted,

Mode of obtaining Certificate of Conformity.

CXCVIII. That forthwith after the Bankrupt shall have passed his last Examination, the Court shall appoint a public Sitting for the Allowance of his Certificate (whereof and of the Purport whereof Twenty-one Days Notice shall be given in the *London Gazette* and to the Solicitor of the Assignees), and at such Sitting the Assignees or any of the Creditors of such Bankrupt who shall have given to the Registrar of the Court Three clear Days Notice in Writing of his Intention to oppose, may be heard against the Allowance of such Certificate; and the Court, having regard to the Conformity of the Bankrupt to the Law of Bankruptcy, and to his Conduct as a Trader before as well as after his Bankruptcy, and whether the Allowance of such Certificate be opposed by any Creditor or not, shall judge of any Objection against allowing such Certificate, and either find the Bankrupt entitled thereto, and allow the same, or refuse or suspend the Allowance thereof, or annex such Conditions thereto as the Justice of the Case may require.

Certificate to be under Hand and Seal, and to certify the Bankrupt's Conformity, &c.; no Certificate allowed before the Commencement of this Act shall require Confirmation.

CXCIX. That the Certificate of Conformity under this Act shall be in Writing under the Seal of the Court and the Hand of the Commissioner, and shall certify that the Bankrupt has made a full Discovery of his Estate and Effects, and in all things conformed, and that, so far as the Court can judge, there does not appear any Reason to question the Truth or Fulness of such Discovery (and shall be in the Form contained in the Schedule Z. to this Act annexed, or to the like Effect); and Notice of the Allowance of such Certificate and of the Class thereof shall be advertised in the *London Gazette*, in such Manner as may be directed by any Rule or Order to be made in pursuance of this Act; and every Certificate of Conformity allowed by any Commissioner before the Time appointed for the Commencement of this Act, though not confirmed according to the Laws in force before that Time, shall discharge the Bankrupt from all Debts due by him when he became bankrupt, and from all Claims and Demands made provable under the Fiat.

Certificate to discharge Bankrupt from all Debts due by him when he became bankrupt.

CC. That the Certificate of Conformity allowed under this Act, subject to the Provisions herein contained, shall discharge the Bankrupt

30. *Of the Certificate of Conformity.*

rupt from all Debts due by him when he became bankrupt, and from all Claims and Demands made provable under the Bankruptcy: Provided always, that no such Certificate shall release or discharge any Person who was a Partner with such Bankrupt at the Time of his Bankruptcy, or was then jointly bound or had made any joint Contract with such Bankrupt.

Bankrupt not entitled to Certificate if he has lost by Gaming 20*l.* in One Day, or 200*l.* within Twelve Months, or 200*l.* by Stock-jobbing; or

CCI. That no Bankrupt shall be entitled to a Certificate of Conformity under this Act, and any such Certificate, if allowed, shall be void, if such Bankrupt shall have lost by any Sort of Gaming or Wagering in One Day Twenty Pounds, or within One Year next preceding the issuing of the Fiat or filing of the Petition for Adjudication of Bankruptcy Two hundred Pounds, or if he shall within One Year next preceding the issuing of the Fiat or the filing of such Petition have lost Two hundred Pounds by any Contract for the Purchase or Sale of any Government or other Stock, where such Contract was not to be performed within One Week after the Contract, or where the Stock bought or sold was not actually transferred

concealed or destroyed Books, &c.;

or delivered in pursuance of such Contract; or if such Bankrupt shall after an Act of Bankruptcy, or in contemplation of Bankruptcy, or with Intent to defeat the Object of this or any other Statute relating to Bankrupts, have parted with, concealed, destroyed, altered, mutilated, or falsified, or caused to be concealed, destroyed, altered, mutilated, or falsified, any of his Books, Papers, Writings, or Securities, or made or been privy to the making of any false or fraudulent Entry in any Book of Account or other Document with Intent to defraud his Creditors, or shall have concealed any Part of his Property, or if any Person having proved a false Debt under the Bankruptcy, such Bankrupt being privy thereto, or afterwards knowing the same, shall not have disclosed the same to his Assignees within One Month after such Knowledge.

or made fraudulent Entries, or concealed any Property, or permitted fictitious Debts to be proved.

Contract or Security to induce Creditor to forbear Opposition, void.

CCII. That any Contract or Security made or given by any Bankrupt or other Person unto or in trust for any Creditor, for securing the Payment of any Money due by such Bankrupt at his Bankruptcy, as a Consideration or with Intent to persuade such Creditor to forbear opposing, or to consent to the Allowance of the Bankrupt's Certificate, or to forbear to petition for the Recall of the same, shall be void, and the Money thereby secured or agreed to be paid shall not be recoverable, and the Party sued on such Contract or Security may plead the General Issue, and give this Act and the special Matter in Evidence.

Certificate may be recalled.

CCIII. That at any Time within Six Months after any Certificate of Conformity shall have been allowed, and subject to such Order as to Deposit of Costs as may by any General Rule or Order to be

30. *Of the Certificate of Conformity.*

made in pursuance of this Act be directed, any Creditor of the Bankrupt, or any Assignee, official or other, may apply to the Vice Chancellor that such Certificate may be recalled and delivered up to be cancelled; and the Vice Chancellor may, on good Cause shown, order such Certificate to be recalled and cancelled.

Bankrupt not liable upon any Promise to pay Debt discharged by Certificate.

CCIV. That no Bankrupt, after his Certificate shall have been allowed, shall be liable to pay or satisfy any Debt, Claim, or Demand from which he shall have been discharged by virtue of such Certificate, or any Part of such Debt, Claim, or Demand, upon any Contract, Promise, or Agreement made after the issuing of the Fiat or filing of the Petition for Adjudication of Bankruptcy, and if any Bankrupt be sued upon any such Contract, Promise, or Agreement, he may plead the General Issue, and give this Act and the special Matter in Evidence.

Bankrupt having obtained his Certificate, free from Arrest.

CCV. That any Bankrupt who shall, after his Certificate shall have been allowed, be arrested, or have any Action brought against him, for any Debt, Claim, or Demand provable under his Bankruptcy, shall be discharged upon entering an Appearance, and may plead in general that the Cause of Action accrued before he came bankrupt, and may give this Act and the special Matter in Evidence; and such Bankrupt's Certificate shall be sufficient Evidence of the Trading, Bankruptcy, Fiat, or Petition for Adjudication, 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 Allowance of his Certificate, it shall be lawful for any Judge of the Court wherein Judgment has been so obtained, on such Bankrupt's 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.

Certificate to be Evidence of the Bankruptcy and Proceedings, and Bankrupt in Execution may be discharged.

Certificate not to be delivered to Bankrupt until after Expiration of Time for Appeal; and if Appeal duly entered, Certificate to be further kept by the Court to abide the Judgment of the Vice Chancellor.

CCVI. That no such Certificate shall be delivered to the Bankrupt until after the Expiration of the Time allowed for entering an Appeal; and if an Appeal be duly entered against the Judgment of such Court for the Allowance of the Certificate, or for the Refusal, the withholding, or the Class of the Certificate, and Notice thereof be given to the Court in such Manner as may by any General Rule or Order to be made in pursuance of this Act be directed, the Certificate shall be further kept by the Court, and abide the Judgment of the Vice Chancellor thereupon; and upon any Appeal duly entered and prosecuted relating to the Certificate or to the Judgment of the Court as to any Offence under this Act charged against the Bankrupt, the Vice Chancellor shall have Power to rescind or vary the

30. *Of the Certificate of Conformity.*

the Order of the Court below, or to make such other Order thereon as he may think fit; and upon an Order for the Allowance of any Certificate by the Vice Chancellor, and whether with Conditions or not, or after a Suspension thereof by Order of the Vice Chancellor or not, such Certificate may be allowed and signed by the Court below, or by the Vice Chancellor.

Allowance of the Certificate, and Refusal or Suspension thereof, except in case of Appeal, to be final and conclusive, unless obtained fraudulently.

CCVII. That the Allowance of the Certificate by the Court, and any Order for the Refusal or Suspension of the Allowance thereof, except in case of Appeal, shall be final and conclusive, and shall not be reviewed by the Court, unless the Court shall thereafter see good and sufficient Cause to believe that the Allowance of such Certificate, or the Refusal or Suspension thereof, has been obtained on false Evidence or by reason of an improper Suppression of Evidence, or has otherwise been fraudulently obtained, in any of which Cases it shall and may be lawful for the Court, upon the Application of the Bankrupt, or of any Creditor of the Bankrupt, and subject to such Order as to Deposit of a Sum for Costs, and to such Notices to the Bankrupt and to Creditors, by Advertisement or otherwise, as the Court shall think fit, to grant a Re-hearing of the Matter, and to re-hear the same accordingly; and upon such Re-hearing the Court shall make such Order as to the Allowance of the Certificate, or the Refusal or Suspension thereof, as the Justice of the Case may require, in like Manner, upon like Conditions, and having regard to the like Circumstances, so far as the Case will admit, as upon an original Hearing; and in case the Certificate shall have been previously allowed, and upon such Re-hearing the Allowance thereof shall not be confirmed, such Certificate shall have no Force or Effect whatever, and the same shall be delivered up to the Court and cancelled.

31. *Of Estates Tail.*

And with respect to Estates Tail and Base Fees, be it enacted,

Clauses in 3 & 4 W. 4. c. 74., with respect to the Disposition of Estates Tail under Bankruptcies, extended to Proceedings under Petition for Adjudication.

CCVIII. That such of the Clauses of an Act passed in the Fourth Year of the Reign of King *William* the Fourth, intituled *An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance*, as are numbered respectively in the Copies of that Act printed by Her Majesty's Printers LVI, LVII, LVIII, LIX, LX, LXI, LXII, LXIII, LXIV, LXV, LXVI, LXVII, LXVIII, LXIX, LXXI, LXXII, LXXIII, shall extend and apply to Proceedings in Bankruptcy under a Petition for Adjudication of Bankruptcy, as fully and effectually as if those Clauses were re-enacted in this Act, and expressly extended to such Proceedings.

32. *Of Copyholds.*

And with respect to Copyholds, be it enacted,

Court may make Sale of Copyhold Lands, for the Benefit of Creditors.

CCIX. That the Court shall have Power to sell, and by Deed indented, and enrolled in the Courts of the Manor or Manors whereof the Lands respectively may be holden, to convey, for the Benefit of the

32. Of Copyholds.

the Creditors, any Copyhold or Customaryhold Lands, or any Interest to which any Bankrupt is entitled therein, and thereby to entitle or authorize any Person or Persons on behalf of the Court of Bankruptcy to surrender the same, for the Purpose of any Purchaser being admitted thereto.

Vendees of Copyhold Lands shall compound with the Lord for their Fines.

CCX. That every Person to whom any such Conveyance of Copyhold or Customary Lands or Tenements, or of any such Interest therein, shall be made, shall, before he enter into or take any Profit of the same, agree and compound with the Lords of the Manors of whom the same shall be holden for such Fines, Dues, and other Services as theretofore have been usually paid for the same, and thereupon the said Lords shall, at the next or any subsequent Court to be holden for the said Manors, grant unto such Vendee, upon Request, the said Copy or Customary Lands or Tenements, for such Estate or Interest as shall have been so conveyed to him as aforesaid, reserving the ancient Rents, Customs, and Services, and shall admit him Tenant of the same.

33. Of Arrangements under the Control of the Court.

And with respect to Arrangements between Debtors and their Creditors under the Superintendence and Control of the Court, be it enacted,

Any Trader unable to meet his Engagements with his Creditors may petition the Court for Protection

CCXI. That any such Trader unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them, under the Superintendence and Control of the Court of Bankruptcy, and of submitting himself to the Jurisdiction of the Court, in manner herein-after mentioned, may present a Petition to the Court, setting forth the true Cause of such Inability, and praying that his Person and Property may be protected from all Process until further Order; and the Court, on such Petition, shall have Power to grant such Protection, and may renew the same from Time to Time as it shall think fit, and, if the Petitioner be in Prison or in Custody for Debt, may, except in the Cases next herein-after mentioned, order his immediate Release, either absolutely or on Condition, and may take Bail for his Attendance at the several Sittings of the Court herein-after mentioned: Provided always, that the Court shall not order such Release where it shall appear by any Judgment, Order, Commitment, or Sentence under which such Petitioner is in Prison or in Custody, or by the Record or Entry of any such Judgment, Order, Commitment, or Sentence, and the Pleadings or Proceedings previously thereto, that he is in Prison or in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him whereby he had been convicted of any Offence, or for any Debt contracted by reason of any Judgment in any Proceeding for Breach

33. *Of Arrangements under the Control of the Court.*

of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Fiat in Bankruptcy, or maliciously filing or prosecuting a Petition for Adjudication of Bankruptcy: Provided also, that such Release shall in nowise affect any Rights of the Creditor at whose Suit such Petitioner may be in Prison or in Custody against such Petitioner, except the Right of detaining him in Prison or in Custody, whilst protected from Imprisonment by Order of the Court.

Petition to be supported by Affidavit.

CCXII. That every such Petition shall be in the Form contained in the Schedule A a. to this Act annexed, and be filed and prosecuted in the Court within the District of which the Petitioner shall have resided or carried on Business for Six Months next immediately preceding the Time of filing such Petition, unless the Senior Commissioner shall order the same to be filed and prosecuted or further prosecuted in any other District, and which Order he shall have Power to make, and the Date of filing every such Petition shall be endorsed thereon, and there shall be filed therewith an Affidavit in the Form contained in the Schedule A b. to this Act annexed.

Court to appoint private Sitting and Official Assignee, &c.

CCXIII. That forthwith after the granting of any Order for Protection, the Court shall appoint a private Sitting to be held at such Time and Place as it may name, and shall at the same Time appoint an Official Assignee to act in the Matter of such Petition, and upon sufficient Cause shown may, if it shall think fit, direct that the Estate and Effects of the Petitioner, or any Part thereof, shall be possessed and received by such Official Assignee, or be taken possession of by the Messenger of the Court; and all Stock, Monies, and other Effects of the Petitioner shall be transferred, delivered, and paid by the Official Assignee into the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to be subject to the like Rule and Regulation for the keeping the Account of the said Monies and other Effects, and for the Payment and Delivery in, Investment, and Payment and Delivery out of the same, as in Bankruptcy, and the Court shall have Power to examine on Oath such Petitioner, or any Witness produced by him, or any Creditor or Person claiming to be a Creditor of such Petitioner, and to adjourn such private Sitting or any subsequent private Sitting, from Time to Time as it shall think fit; and Notice of such private Sitting shall be given in Writing to every Creditor not less than Fourteen Days before the same is held, such Notice to be sent by Post addressed to every Creditor at his last known Place of Business or Residence.

CCXIV. That

33. *Of Arrangements under the Control of the Court.*

Petitioning Debtor to file Account Ten Days before the Day appointed for private Sitting, and furnish Official Assignee with a Copy.

CCXIV. That such Petitioning Trader shall, Ten Days before the Day appointed for the private Sitting of the Court, file in Court, and in such Form as may by any Rule or Order to be made in pursuance of this Act be directed, a full Account of his Debts, and the Consideration thereof, and the Names, Residences, and Occupations of his Creditors, and also a full Account of his Estate and Effects, whether in possession, reversion, or expectancy, and of all Debts and Rights due to or claimed by him, and of all Property, of what Kind soever, held in trust for him, and shall therein set forth such Proposal as he is able to make for the future Payment or the Compromise of such Debts or Engagements, and shall furnish the Official Assignee with a Copy of such Account.

At first Sitting Creditors to prove their Debts, and if Three Fifths in Number and Value of those who have proved Debts to the Amount of 10*l.* and upwards assent to Proposal, Sitting for Confirmation to be appointed.

CCXV. That at the private Sitting of the Court appointed in manner herein-before mentioned, or at any Adjournment thereof, the Creditors shall prove their Debts, (such Proofs to be in all respects as Proofs in Bankruptcy,) and the Petitioning Trader shall attend, and make Oath of the Truth of the Account filed by him, and may be examined thereon; and if at such Sitting, or at any Adjournment thereof, Three Fifths in Number and Value of the Creditors who have proved Debts to the Amount of Ten Pounds shall assent to the Proposal of such Petitioner, or to any Modification thereof, the Court shall appoint another private Sitting for the Confirmation of such Proposal or modified Proposal, and such Second Sitting shall be held not earlier than Fourteen Days from the First Sitting, and Notice thereof in Writing shall be personally served on every Creditor who was not present by himself or his appointed Agent at such First Sitting Seven clear Days at least before the Day appointed for such Second Sitting; provided always, that the Court, if it shall think fit, may make Order in any special Case that Service of such Notice at the last known Place of Abode or Business of any Creditor shall be deemed good Service.

If at Second Sitting Three Fifths in Number and Value of the Creditors who have proved Debts to the Amount of 10*l.* and upwards agree to accept, Resolution to be binding on all; and Court, if it think the Proposal reasonable and proper to be executed, to approve and confirm the same.

CCXVI. That at such Second Sitting, or at any Adjournment thereof, the Creditors may also prove their Debts, and if Three Fifths in Number and Value of those who have proved Debts to the Amount of Ten Pounds shall agree to accept such Proposal as was assented to at the First Sitting, the Terms thereof shall be reduced into Writing, and the Creditors shall sign the same; and such Resolution or Agreement (subject to such Confirmation as is herein-after mentioned) shall thenceforth be binding and of full Force, as well against such Petitioning Trader as against all Persons who were Creditors at the Date of his Petition, and who had Notice of the said several Sittings of the Court; and the Court, if it shall think the same reasonable and proper to be executed, after hearing such Creditors, by themselves, their

33. *Of Arrangements under the Control of the Court.*

their Counsel or Attornies, as may desire to be heard either for or against such Resolution or Agreement, shall approve and confirm the same, and cause it to be filed and entered of Record, and shall grant to the Petitioner a Certificate of the filing and entering of Record of such Approval and Confirmation, and shall from Time to Time endorse on such Certificate a Protection from Arrest; and such Petitioner shall be free from Arrest at the Suit of any Person being a Creditor at the Date of his Petition, and having had such several Notice or Notices as aforesaid; and any Officer arresting such Petitioner at the Suit of any such Creditor, and on Sight of such Certificate and Protection not releasing such Petitioner, shall be liable to such Penalty as is provided respecting Bankrupts in the like Case; provided however, that no such Protection shall be valid in favour of any such Petitioner who shall be proved to have been about to abscond beyond the Jurisdiction of the Court, or who has concealed or is concealing any Part of his Estate or Effects, nor against any Creditor whose Debt is not truly specified in the Account filed by such Petitioner, nor against any Creditor whose Debt has been contracted by such Petitioner by any Manner of Fraud or Breach of Trust.

Person authorized by Letter of Attorney may vote.

CCXVII. That any Person duly authorized by Letter of Attorney from any Creditor who has proved a Debt to the Amount of Ten Pounds and upwards shall be entitled to vote on the Question of Assent or Dissent to the Proposal of such Petitioning Trader.

Estate to vest in Official Assignee, and either alone or (if required by Resolution) jointly with any other Person.

CCXVIII. That from and after the Date of the Approval and Confirmation of such Resolution or Agreement all the Estate and Effects of such Petitioning Trader shall vest in the Official Assignee (if such shall be required by virtue of such Resolution, and either alone or jointly with any Person or Persons, as may be expressed in such Resolution,) as fully as if such Official Assignee were an Assignee under any Bankruptcy; and every such Official Assignee may sue and be sued as if he were such Assignee; and in the event of the Death, Resignation, or Removal of any such Official Assignee, the Court shall have Power to appoint another; and if the Estate and Effects shall have vested in such Official Assignee, the same shall vest in the new Official Assignee so appointed, in the same Manner as in Bankruptcy.

Official Assignee to file Account every Six Months.

CCXIX. That the Official Assignee shall once at least in every Six Months, or oftener if the Court shall require it, produce to the Court, on Oath, a full and true Account of all Monies, Property, and Effects of such Petitioning Trader which have come to his Hands, and of the Disposal thereof; and the Court shall examine

33. *Of Arrangements under the Control of the Court.*

the same, and shall certify the Result of such Examination, and, if need be, order Payment to the Creditors of such Petitioner, according to the Terms of the Resolution or Agreement, and may in such Account make all just Allowances, and may order Payment to the Official Assignee of such Sum as a Remuneration for his Services as shall appear to be just and reasonable.

If any Difficulty arise in the Execution of Resolution, &c., a Special Sitting may be held.

CCXX. That in case any Difficulty shall arise in the Execution of the said Resolution or Agreement it shall be lawful for the Court to cause a Special Sitting of the Court to be held; and the Resolution of the Majority of the Creditors at such Sitting who have proved Debts to the Amount of Ten Pounds, to confirm, alter, or annul the whole or any Part of such Resolution or Agreement, shall be as valid as if it had been Part of the original Resolution or Agreement: Provided, however, that if One Third in Number and Value of the Creditors of such Petitioning Trader do not attend such Sitting, the Resolution thereof shall not be valid unless the same is approved and confirmed by the Court.

When Resolution or Agreement has been carried into effect, Court to give Petitioning Debtor a Certificate thereof, and such Certificate to operate as a Certificate of Conformity.

CCXXI. That so soon as the said Resolution or Agreement shall have been carried into effect, and the Creditors of such Petitioning Trader shall have been satisfied, according to the Tenor thereof, the Court shall give to such Petitioner a Certificate under the Hand and Seal of the Commissioner in the Form contained in the Schedule A c. to this Act annexed, setting forth the filing of the Petition, the Resolution or Agreement of the Creditors, and that the said Resolution or Agreement has been fully carried into effect; and such Certificate shall thenceforth operate to all Intents and Purposes as fully as if the same were a Certificate of Conformity under a Bankruptcy, except only that any Debt which shall have been contracted wholly or in part by reason of any Manner of Fraud or Breach of Trust, or without reasonable Probability at the Time of Contract of being able to pay the same, or by reason of any Judgment in any Prosecution for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Fiat in Bankruptcy, or maliciously filing or prosecuting a Petition for Adjudication of Bankruptcy, shall not be barred by such Certificate.

Court on being satisfied that Official Assignee has fully performed his Trust, to give him a Certificate thereof.

CCXXII. That the Court, on being satisfied that the Official Assignee has fully performed his Trust, shall give to him a Certificate thereof in the Form contained in the Schedule A d. to this Act annexed; and such Certificate shall be a full Release and

33. *Of Arrangements under the Control of the Court.*

Acquittance to such Official Assignee, both in Law and Equity, for all Matters done by him as such Official Assignee.

If Petitioning Debtor do not attend Sittings of the Court, or if he do not file Account, &c., Petition to be dismissed, and if at first Sitting Proposal be not assented to, or if Debts contracted by Fraud, &c., or if Petitioning Debtor has not made true Discovery, &c., Court may adjudge him bankrupt, and adjourn the Proceedings into the public Court, &c.

CCXXIII. That if such Petitioning Trader shall not duly attend the Sittings of the Court, or if he shall not file his Account in manner aforesaid, within such extended Time as may be allowed him by the Court for such Purpose, or if he shall fail to obey any Order of the Court which may be made in the Matter of his Petition, such Petition shall be dismissed; and if at the first private Sitting of the Court, or at any Adjournment thereof, the Proposal of the Petitioner, or some Modification thereof, be not assented to, or if at any Time after the filing of any Petition for Protection it shall be shown to the Satisfaction of the Court, by any Creditor, that the Debts of such Petitioner, or any Part thereof, have been contracted by reason of any manner of Fraud or Breach of Trust, or without reasonable Probability at the Time of Contract of being able to pay the same, or by reason of any Judgment in any Prosecution for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Fiat in Bankruptcy, or maliciously filing or prosecuting a Petition for Adjudication of Bankruptcy, or if it shall be shown that the Affidavit filed with his Petition was wilfully untrue, so far as concerned the Assets ready to be produced by him, or that he has not made a full Disclosure of his Debts and Credits, Estate and Effects, and is not desirous of making a *bonâ fide* Arrangement with all his Creditors, or that his Proposal to that Effect is not reasonable and proper to be executed under the Direction of the Court, or that he has postponed the Presentation of his Petition longer than was excusable, or if within Three Months of the Time of presenting his Petition he shall have assigned, transferred, or made away with any Portion of his Estate or Effects otherwise than in due Course, or shall have voluntarily done or suffered any Act whereby his Goods shall have been taken in Execution, it shall be lawful for the Court to adjudge such Petitioner a Bankrupt, and to adjourn all further Proceedings in the Matter into the public Court, and to advertise such Adjudication, and appoint Sittings for Choice of Assignees and for last Examination, as in Bankruptcy; and such Petitioner shall thenceforth be amenable to the Jurisdiction of the Court in the same Manner as any other Bankrupt, and any Proposal which may have been made or assented to or confirmed shall be wholly and altogether void; and the Court shall have Power, at any Time, on the Application of any Creditor, to appoint a private Sitting for the Purpose of such Inquiry, and may summon before it such Petitioning Trader, or any other Person, and examine him upon Oath touching

touching such Matters; and every such Summons and Examination shall be enforced in such Manner as Summonses and Examinations are enforced in Matters of Bankruptcy.

33. *Of Arrangements, &c.*

34. *Of Arrangements by Deed.*

And with respect to Arrangements by Deed, be it enacted,

Deed of Arrangement entered into between any Debtor and his Creditors, and executed by Six Sevenths in Number and Value of the Creditors whose Debts amount to 10*l.* and upwards, to be binding on all.

CCXXIV. That every Deed or Memorandum of Arrangement now or hereafter entered into between any such Trader and his Creditors, and signed by or on behalf of Six Sevenths in Number and Value of those Creditors whose Debts amount to Ten Pounds and upwards, touching such Trader's Liabilities, and his Release therefrom, and the Distribution, Inspection, Conduct, Management, and Mode of winding-up of his Estate, or all or any of such Matters, or any Matters having reference thereto, shall (subject to the Conditions herein-after mentioned) be as effectual and obligatory in all respects upon all the Creditors who shall not have signed such Deed or Memorandum of Arrangement as if they had duly signed the same; and such Deed or Memorandum, when so signed, shall not be or be liable to be disturbed or impeached by reason of any prior or subsequent Act of Bankruptcy: Provided always, that every Creditor shall be accounted a Creditor in Value in respect of such Amount only as, upon an Account fairly stated, after allowing the Value of mortgaged Property and other such available Securities or Liens from such Trader, shall appear to be the Balance due to him.

Deed not to be effectual upon Creditor who has not signed, until after Expiration of Three Months from Notice of Suspension and of proposed Deed, &c., unless Court shall otherwise order.

CCXXV. That no such Deed or Memorandum of Arrangement shall be effectual or obligatory upon any Creditor who shall not have signed the same, until after the Expiration of Three Months from the Time at which such Creditor shall have had Notice from such Trader of his Suspension of Payment, and of such Deed or Memorandum of Arrangement, unless such Trader shall within such Time obtain from the Court an Order or Certificate of the said Court declaring or certifying that such Deed or Memorandum of Arrangement has been duly signed by or on behalf of such Majority of the Creditors as aforesaid; and it shall be lawful for the Court within the District of which the Trader shall have resided or carried on Business for Six Months next immediately preceding his Suspension of Payment to make such Order or Certificate on the Petition of any such Trader, and to exercise Jurisdiction in and over the Matters of any such Application; and no Creditor who shall not have had Fourteen Days Notice of any intended Application for such Order or Certificate as aforesaid shall be bound thereby.

Trustee or Inspector, &c. to certify as to proper Number of Creditors having signed, which Certificate shall be filed, &c.

CCXXVI. That when the Trustee or Inspector under any such Deed or Memorandum of Arrangement, or, if there shall be no such Trustee or Inspector, when any Two of the Creditors, shall be satisfied

34. *Of Arrangements by Deed.*

fied that Six Sevenths in Number and Value of the Creditors whose Debts amount to Ten Pounds and upwards have signed such Deed or Memorandum, it shall be lawful for such Trustee or Inspector, or for such Two Creditors, as the Case may be, to certify the same to the Court in Writing, and such Certificate shall be filed with the Registrar of the Court, and shall thereupon be *primâ facie* Evidence in all Courts of Law and Equity that such Deed or Memorandum of Arrangement has been so signed.

Account of Debts, &c. to be annexed to such Certificate, and to be verified by Affidavit of Arranging Debtor.

CCXXVII. That every such Certificate as last aforesaid shall have appended thereto a full Account of the Debts of such Trader, together with the Names, Residences, and Occupations of his Creditors, and shall be accompanied by an Affidavit by such Trader verifying the same; and any Omission in such Account or the Insertion therein of any Debt not really existing, or of any larger Amount of Debt than that really existing, and which shall appear to the Court to have been made through the culpable Negligence or Fraud of such Trader, with Intent to defraud any of his Creditors, shall deprive him of the Benefit of the Provisions of this Act with respect to Arrangements by Deed, and of the Discharge proposed in any such Deed or Memorandum of Arrangement: Provided always, that any Omission, Insertion, or Incorrectness in such Account, which shall not have been made through such culpable Negligence or Fraud as aforesaid, shall not defeat or otherwise affect such Deed or Memorandum of Arrangement.

Creditors to have the same Rights as in Bankruptcy, and not to be prejudiced with respect to their Rights against Third Persons.

CCXXVIII. That the Creditors of every such Trader shall have the same Rights respectively as to Set-off, mutual Credit, Lien, and Priority, and joint and separate Assets shall be distributed, in like Manner as in Bankruptcy; and no Creditor shall be prejudiced or affected by being a Party to any such Deed or Memorandum of Arrangement as aforesaid, or by the same being obligatory upon him as to his Right or Remedy against any Person other than such Trader; and every Person who would be entitled to prove in Bankruptcy shall be deemed a Creditor within the Meaning of the Provisions of this Act with respect to Arrangements by Deed.

In case of improper Administration any Creditor may apply to the Court.

CCXXIX. That if any Creditor of any Trader shall be desirous to show that the Administration of the Estate of such Trader has not been duly conducted in conformity with such Deed or Memorandum of Arrangement, it shall be lawful for him to apply to the Court by Petition, supported by Affidavit, stating any Facts or Circumstances to show that such Administration has not been duly conducted, and thereupon the Court shall have full Power and it is hereby fully authorized to consider the Subject Matter of such Application,

34. *Of Arrangements by Deed.*

Application, and if it shall think fit may direct any Inquiry, and in such Manner as it shall think proper, into the Subject of such Application, and generally may make such Order and exercise such Jurisdiction in or over the Subject Matter of such Application and the Costs thereof as to the said Court shall appear just.

35. *Composition after Bankruptcy.*

And with respect to Composition after Adjudication of Bankruptcy, be it enacted,

If after Adjudication Nine Tenths in Number and Value of Creditors accept Composition, the same shall bind the rest.

CCXXX. That any Bankrupt, at any Time after he shall have passed his last Examination, may call a Meeting of his Creditors (whereof, and of the Purport whereof, Twenty-one Days Notice shall be given in the *London Gazette*), and if the Bankrupt or his Friends shall make an Offer of Composition, and Nine Tenths in Number and Value of the Creditors assembled at such Meeting shall agree to accept the same, another Meeting for the Purpose of deciding upon such Offer shall be appointed to be holden, whereof such Notice shall be given as aforesaid, and if at such Second Meeting Nine Tenths in Number and Value of the Creditors then present shall also agree to accept such Offer, the Court shall and may, upon such Acceptance being testified by them in Writing, and upon Payment of such Sum as the Court shall direct, annul the Adjudication of Bankruptcy, and supersede or dismiss the Fiat or Petition for Adjudication, and every Creditor of such Bankrupt shall be bound to accept of such Composition so agreed to.

Mode of voting in deciding upon such Composition.

CCXXXI. That in deciding upon the Offer of Composition no Creditor whose Debt is below Twenty Pounds shall be reckoned in Number, but the Debt due to such Creditor shall be computed in Value; and every Creditor to the Amount of Fifty Pounds and upwards residing out of *England* shall be personally served with a Copy of the Notice of the Meeting to decide upon such Offer as aforesaid, and of the Purpose for which the same is called so long before such Meeting as that he may have Time to vote thereat, and such Creditor shall be entitled to vote by Letter of Attorney, executed and attested in manner required for a Creditor's voting in the Choice of Assignees; and if any Creditor shall agree to accept any Gratuity or higher Composition for assenting to such Offer, he shall forfeit the Debt due to him, together with such Gratuity or Composition; and the Bankrupt shall (if thereto required) make Oath before the Court that there has been no such Transaction between him, or any Person with his Privity, and any of the Creditors, and that he has not used any undue Means or Influence with any of them to attain such Assent.

36. Of Evidence.

And with respect to Evidence, be it enacted,

Officer of Court to produce Proceedings and give Copies thereof.

CCXXXII. That the proper Officer of the Court in *London* and in the several Districts in the Country shall, on the reasonable Request of any Bankrupt or Arranging Debtor, or of any Creditor of such Bankrupt having proved his Debt, or of an Arranging Debtor, when the Debt of the Arranging Creditor has been admitted in the Petition or proved, or on the like Request of the Attorney of any such Bankrupt, Debtor, or Creditor, produce and show to such Bankrupt, Debtor, Creditor, or Attorney, at such Times as the Court shall direct, every Fiat, Petition for Adjudication of Bankruptcy, Adjudication of Bankruptcy, and Petition for Arrangement, against or by such Bankrupt, and all Orders and Proceedings under any such Fiat, Petition, or Adjudication, and the Court shall order the Official Assignee or Officer of the Court, as the Case may be, to permit such Bankrupt, Debtor, Creditor, or Attorney to have Inspection at all reasonable Times of all Books, Papers, and Writings relating to the Matters of such Fiat, Petition, or Adjudication, and the Estate of the Bankrupt or Debtor in the Possession of the Assignees, or filed in Court in such Matter, and permit him to inspect and examine the same; and such Official Assignee or such Officer shall provide for any such Bankrupt, Debtor, Creditor, or Attorney requiring the same an Office Copy of such Fiat, Petition, or other Proceeding, Books, Papers, and Writings as aforesaid, or of such Part thereof as shall be required, receiving such Fee or Sum or Rate of Charge as may be authorized in that Behalf.

If Bankrupt do not dispute the Fiat or Petition, the Gazette to be conclusive Evidence of the Bankruptcy as against the Bankrupt, and against Persons whom the Bankrupt might have sued had he not been adjudged bankrupt.

CCXXXIII. That if the Bankrupt shall not (if he were within the United Kingdom at the Date of the Adjudication), within Twenty-one Days after the Advertisement of the Bankruptcy in the *London Gazette*, or (if he were in any other Part of *Europe* at the Date of the Adjudication) within Three Months after such Advertisement, or (if he were elsewhere at the Date of the Adjudication) within Twelve Months after such Advertisement, have commenced an Action, Suit, or other Proceeding to dispute or annul the Fiat, or the Petition for Adjudication, and shall not have prosecuted the same with due Diligence and with Effect, the Gazette containing such Advertisement shall be conclusive Evidence in all Cases as against such Bankrupt, and in all Actions at Law or Suits in Equity brought by the Assignees for any Debt or Demand for which such Bankrupt might have sustained any Action or Suit had he not been adjudged bankrupt, that such Person so adjudged bankrupt became a Bankrupt before the Date and suing forth of such Fiat, or before the Date and filing of the Petition for Adjudication, and that such Fiat was sued forth, or such Petition filed, on the Day on which the same is stated in the Gazette to bear Date.

CCXXXIV. That

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Of Evidence.

In certain Actions by or against any Person acting under the Bankruptcy no Proof required at the Trial of Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, unless Notice be given that those Matters are to be disputed.

CCXXXIV. That in any Action, other than an Action brought by the Assignees for any Debt or Demand for which the Bankrupt might have sustained an Action had he not been adjudged bankrupt, and whether at the Suit of or against the Assignees, or against any Person acting under the Warrant of the Court, for anything done under such Warrant, no Proof shall be required, at the Trial, of the Petitioning Creditor's Debt, or of the Trading or Act of Bankruptcy respectively, unless the other Party in such Action shall, if Defendant at or before pleading, and if Plaintiff before Issue joined, give Notice in Writing to such Assignees or other Person that he intends to dispute some and which of such Matters; and in case such Notice shall have been given, if such Assignees or other Person shall prove the Matter so disputed, or the other Party admit the same, the Judge before whom the Cause shall be tried may (if he think fit) grant a Certificate of such Proof or Admission; and such Assignees or other Person shall be entitled to the Costs occasioned by such Notice; and such Costs shall, if such Assignees or other Person shall obtain a Verdict, be added to the Costs, and if the other Party shall obtain a Verdict shall be deducted from the Costs which such other Party would otherwise be entitled to receive from such Assignees or other Person.

The same in Suits in Equity.

CCXXXV. That in all Suits in Equity, other than a Suit brought by the Assignees for any Debt or Demand for which the Bankrupt might have sustained a Suit in Equity had he not been adjudged bankrupt, and whether at the Suit of or against the Assignees, no Proof shall be required at the Hearing of the Petitioning Creditor's Debt, or of the Trading or Act of Bankruptcy respectively, as against any of the Parties in such Suit, except such Parties as shall within Ten Days after Rejoinder give Notice in Writing to the Assignees of their Intention to dispute some and which of such Matters; and where such Notice shall have been given, if the Assignees shall prove the Matter so disputed, the Costs occasioned by such Notice shall, if the Court see fit, be paid by the Parties so giving such Notice, and the Service of such Notice may be proved by Affidavit upon the Hearing of the Cause.

Proceedings purporting to be sealed with the Seal of the Court receivable in Evidence.

CCXXXVI. That any Fiat, Petition for Adjudication of Bankruptcy, Adjudication of Bankruptcy, Petition for Arrangement between a Debtor and his Creditors, Assignment, Appointment of Assignees, Certificate, Deposition, or other Proceeding or Order in Bankruptcy, or under any such Petition for Arrangement, appearing to be sealed with the Seal of the Court, or any Writing purporting to be a Copy of any such Document, and purporting to be so sealed, shall at all Times, and on behalf of all Persons, and whether for the Purposes of

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of this Act or otherwise, be admitted in all Courts whatever as Evidence of such Documents respectively, and of such Proceedings and Orders having respectively taken place or been made, and be deemed respectively Records of the Court, without any further Proof thereof, and no such Document or Copy shall be receivable in Evidence unless the same appear to be so sealed, except where otherwise in this Act specially provided: Provided always, that all Fiats and Proceedings under the same which may have been entered of Record before the passing of the Act passed in the Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts*, or purporting to have been sealed before the Commencement of this Act with the Seal of the Court of Bankruptcy theretofore in use, or a Writing purporting to be a Copy of any such Document, and purporting to have been so sealed, shall and may upon the Production thereof, and in the Case of any Fiat or Proceedings entered of Record before the passing of the last-mentioned Act, with the Certificate thereon, purporting to be signed by the Person duly authorized to enter Proceedings in Bankruptcy, or by his Deputy, be received as Evidence of the same, and of the same having been duly entered of Record, and of such Proceedings having respectively taken place, anything herein-before contained notwithstanding.

2 & 3 W. 4. c. 114.

Judicial Notice to be taken of Signature of Commissioner or Registrar, and of the Seal of the Court.

CCXXXVII. That all Courts, Judges, Justices, and Persons judicially acting, and other Officers, shall take judicial Notice of the Signature of any Commissioner or Registrar of the Court, and of the Seal of the Court, subscribed or attached to any judicial or official Proceeding or Document to be made or signed under the Provisions of this Act.

Evidence of Declaration of Insolvency.

CCXXXVIII. That a Copy of a Declaration of Insolvency under this Act, purporting to be certified by the Lord Chancellor's Secretary of Bankrupts or any of his Clerks as a true Copy, shall be received as Evidence of such Declaration having been filed.

Copy of Petition, &c. under Insolvent Debtors Act in England or in India, &c. to be admitted as Evidence.

CCXXXIX. That a Copy of any Petition filed in the Court for the Relief of Insolvent Debtors in *England*, or in any Court for Relief of Insolvent Debtors at *Calcutta*, *Madras*, or *Bombay*, or at the Settlement of *Prince of Wales Island*, *Singapore*, and *Malacca*, and of any Vesting Order, Schedule, Order of Adjudication, and other Orders and Proceedings, purporting to be signed by the Officer in whose Custody the same shall be, or his Deputy, certifying the same to be a true Copy of such Petition, Vesting Order, Schedule, Order of Adjudication, or other Order or Proceedings, and appearing

to be sealed with the Seal of such Court, shall at all Times be admitted under this Act as sufficient Evidence of the same, and of such Proceedings respectively having taken place, without any other Proof whatever given of the same.

Advertisements, when Evidence.

CCXL. That a Copy of the *London Gazette* and of any Newspaper containing any such Advertisement as is by this Act directed or authorized to be made therein respectively shall be Evidence of any Matter therein contained, and of which Notice is by this Act directed or authorized to be given by such Advertisement; and all Proceedings or Notices required by this Act to be inserted in the *London Gazette* shall be marked with the Seal of the Court from which such Proceedings or Notices shall be issued and certified by One of the Registrars of the said Court.

Provisions of 6 & 7 Vict. c. 85. to be applicable to any Matter in prosecution under this Act.

CCXLI. That the Provisions of an Act passed in the Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for improving the Law of Evidence*, shall be applicable to any Matter or Proceeding in prosecution under the Provisions of this Act, and to any Matter, Question, or Inquiry arising in any Court of Law or Equity out of or consequent upon any such Matter or Proceeding.

On Death of Witness, Office Deposition or Copy thereof to be Evidence.

CCXLII. That in the event of the Death of any Witness deposing to the Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, under any Bankruptcy heretofore or hereafter, or under any Petition for Arrangement, the Deposition of any such deceased Witness, purporting to be sealed with the Seal of the Court, or a Copy thereof purporting to be so sealed, shall in all Cases be received as Evidence of the Matters therein respectively contained.

Before whom Affidavits are to be sworn.

CCXLIII. That all Affidavits to be made or used in Matters of Bankruptcy, or in any Matter or Proceeding whatever under this Act, shall and may be sworn before the Court, or any Commissioner, Registrar, or Master thereof, or before a Master in Ordinary or Extraordinary of the High Court of Chancery, or before any Clerk of Affidavits, Assistant Clerk, or Second Assistant Clerk of Affidavits of the High Court of Chancery, or in *Scotland* or *Ireland* before such Master Extraordinary aforesaid, or before a Magistrate of the County, City, Town, or Place where any such Affidavit shall be sworn, or elsewhere before a Magistrate and attested by a Notary, or before a *British* Minister, Consul, or Vice Consul.

Affidavits may be sworn in Prison before Visiting Justice or Keeper of Prison.

CCXLIV. That any Affidavit of any Prisoner in any of Her Majesty's Prisons or Gaols in *England*, to be used in any Matter under this Act, may be sworn before the Visiting or other Justice, or if within

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within Twelve Hours none such shall attend, then before the principal Keeper or Gaoler of such Prisons or Gaols, and every such Keeper or Gaoler is hereby authorized and required to administer the Oath upon any such Affidavit.

Evidence may be taken vivâ voce or upon Affidavit.

CCXLV. That the Lord Chancellor or the Vice Chancellor, or the Court of Bankruptcy or any Commissioner thereof, may, in all Matters within their respective Jurisdictions, take the whole or any Part of the Evidence either *vivâ voce* on Oath, or by Interrogatories in Writing, or upon Affidavit.

Bankrupt and Bankrupt's Wife to be examined upon Declaration.

CCXLVI. That all Persons who are now or shall hereafter be declared Bankrupts under any Fiat or Petition for Adjudication of Bankruptcy, and the Wives of such Persons respectively, shall and may be examined before the Court, after making and signing the Declaration contained in the Schedule to this Act annexed, without being sworn on Oath.

37. *Of Solicitors.*

Every Solicitor of the High Court of Chancery duly admitted as a Solicitor in the Court of Bankruptcy may practise in the Court. 6 & 7 Vict. c. 73.

CCXLVII. And with respect to Solicitors, be it enacted, That every Solicitor of the High Court of Chancery heretofore or hereafter duly admitted as a Solicitor of the Court of Bankruptcy in manner directed by the Statute passed in the Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in* England *and* Wales, and, subject to the Provisions in the same Act, may appear and plead in any Proceedings in the Court, without being required to employ Counsel; and in case any Person, not being such Solicitor, shall practise in the Court as a Solicitor, he shall be deemed guilty of a Contempt of Court, and be liable to all the Penalties incident thereto.

38. *Of Costs.*

And with respect to Costs, be it enacted,

The Provisions and Powers given to Lord Chancellor, &c. in Bankruptcy under 1 & 2 Vict. c. 110. to be applicable to this Act.

CCXLVIII. That the Provisions in an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her Majesty, and intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in* England, so far as the same relate to Orders of the Lord Chancellor, or of the Court of Review therein referred to, in Matters of Bankruptcy, and the Powers given by the same Act to the Lord Chancellor and the said Court of Review in Matters of Bankruptcy, shall extend to and be applicable to Orders of the Lord Chancellor and of the Vice Chancellor in Matters of Bankruptcy under this Act.

CCXLIX. That

38. *Of Costs.*

Court may in all Cases award Costs, which may be recovered as if they were awarded by Rule of a Superior Court at Westminster.

CCXLIX. That the Court may in all Matters before it award such Costs as to such Court shall seem fit and just; and in all Cases in which Costs shall be so awarded against any Person it shall and may be lawful for such Court to cause such Costs to be recovered from such Person in the same Manner as Costs awarded by a Rule of any of the Superior Courts at *Westminster* may be recovered, and that the like Remedies may be had upon an Order of such Court for Costs as upon a Rule of any of the said Superior Courts for Costs.

Witnesses and Persons known or suspected to have Bankrupt's Property, &c. entitled to Costs of Attendance, &c.

CCL. That every Person summoned to attend before the Court as a Person known or suspected to have any of the Estate of the Bankrupt in his Possession, or who is supposed to be indebted to the Bankrupt, shall have such Costs and Charges as the Court in its Discretion shall think fit; and every Witness summoned to attend before the Court shall have his necessary Expenses tendered to him in like Manner as is now by Law required upon Service of a Subpœna to a Witness in an Action at Law.

39. *Of Offences against the Law of Bankruptcy, &c.*

And with respect to Offences against the Law relating to Bankruptcy and other Matters in this Act, be it enacted,

Bankrupt not surrendering, or not delivering up Books, &c., or removing, concealing, or embezzling Estate.

CCLI. That if any Person adjudged bankrupt shall not upon the Day limited for his Surrender, and before Three of the Clock of such Day, or at the Hour and upon the Day allowed him for finishing his Examination, after Notice thereof in Writing, to be served upon him personally or left at the usual or last known Place of Abode or Business of such Person, or personal Notice in case such Person be then in Prison, and Notice given in the *London Gazette* of the issuing of the Fiat, or filing of the Petition for Adjudication of Bankruptcy against him, as the Case may be, and of the Sittings of the Court, (having no lawful Impediment proved to the Satisfaction of the Court at such Time, and allowed by the Court by a Memorandum thereof then made on the Proceedings,) surrender himself to such Court, and sign or subscribe such Surrender, and submit to be examined before such Court from Time to Time; or if any such Bankrupt, upon such Examination, shall not discover all his Real and Personal Estate, and how, and 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 *bonâ fide* before sold or disposed of in the way of his Trade, or laid out in the ordinary Expense of his Family); or if any such Bankrupt, upon such Examination, shall not deliver up to such Court all such Part of such Estate, and all Books, Papers, and Writings relating thereunto, as shall be in his Possession, Custody, or Power (except the necessary

39. *Of Offences against the Law of Bankruptcy, &c.*

necessary Wearing Apparel of himself, his Wife and Children); or if any such Bankrupt shall remove, conceal, or embezzle any Part of such Estate to the Value of Ten Pounds or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud his Creditors; every such Bankrupt shall be deemed guilty of Felony, and be liable to Transportation for Life, or for such Term not less than Seven Years as the Court before which he shall be convicted shall adjudge, or shall be liable to Imprisonment, with or without hard Labour, for any Term not exceeding Seven Years.

Bankrupt destroying or falsifying Books, &c.

CCLII. That if any Bankrupt shall, after an Act of Bankruptcy committed, or in contemplation of Bankruptcy, or with Intent to defeat the Object of the Law relating to Bankrupts, destroy, alter, mutilate, or falsify any of his Books, Papers, Writings, or Securities, or make or be privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud his Creditors, every such Bankrupt shall be deemed guilty of a Misdemeanor, and on Conviction be liable to Imprisonment for any Term not exceeding Three Years, with or without hard Labour.

Bankrupt, within Three Months preceding his Bankruptcy, obtaining Goods on Credit under false Pretence of dealing in the ordinary Course of Trade.

CCLIII. That if any Bankrupt shall, within Three Months next preceding the Date of the Fiat or the Filing of the Petition for Adjudication of Bankruptcy, under the false Colour and Pretence of carrying on Business and dealing in the ordinary Course of Trade, obtain on Credit from any other Person any Goods or Chattels with Intent to defraud the Owner thereof, or if any Bankrupt shall within such Time and with such Intent remove, conceal, or dispose of any Goods or Chattels so obtained, knowing them to have been so obtained, every such Bankrupt shall be deemed guilty of a Misdemeanor, and on Conviction be liable to Imprisonment for any Term not exceeding Two Years, with or without hard Labour.

False Evidence.

CCLIV. That any Bankrupt or Bankrupt's Wife who shall, upon any Examination upon Affirmation, or after making and signing the Declaration authorized or directed by this or any other Act relating to Bankrupts, and any Person who shall upon any Examination upon Oath or Affirmation, or in any Affidavit or Deposition or solemn Affirmation so authorized or directed, or in any Affidavit or Deposition or solemn Affirmation wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

Court may direct Prosecution.

CCLV. That if any Bankrupt shall be suspected of or charged with the Commission of any of the Offences herein-before specified, the Court may direct the Assignees to institute and carry on a Prosecution

39. *Of Offences against the Law of Bankruptcy.*

Prosecution of such Bankrupt for such Offence, and to order that the Costs and Expenses to be incurred in such Prosecution shall be paid out of his Estate and Effects, or if there be no such Estate and Effects, then out of the Monies standing in the Bank of *England* to the Credit of the Account intituled the Chief Registrar's Account, and such Assignees shall thereupon institute and carry on such Prosecution accordingly; and in case the said Assignees shall refuse or neglect to institute and carry on such Prosecution, no reasonable Impediment being made known to and allowed by the Court, the Court may order the same to be instituted and carried on either by the Official Assignee alone, or by the Creditors making such Request, as the Court may think fit.

If at Sitting for last Examination it appear that Bankrupt has been guilty of certain Offences, further Protection to be refused; and if at Sitting for Allowance of Certificate it appear that he has been guilty of any of such Offences, Court to refuse or suspend Certificate, and to refuse further Protection.

CCLVI. That if at the Sitting appointed for the last Examination of any Bankrupt, or at any Adjournment thereof, it shall appear to the Court that the Bankrupt has committed any of the Offences herein-after enumerated, the Court shall refuse to grant the Bankrupt any further Protection from Arrest; and if at any Sitting or adjourned Sitting for the Allowance of the Certificate of any Bankrupt it shall appear that he has committed any of such Offences, the Court shall refuse to grant such Certificate, or shall suspend the same for such Time as it shall think fit, and shall in like Manner refuse to grant the Bankrupt any further Protection.

Offences referred to:

First.—If the Bankrupt shall at any Time after the issuing of the Fiat or filing of the Petition for Adjudication of Bankruptcy, or within Two Months next preceding the issuing of such Fiat or the filing of such Petition, with Intent to conceal the State of his Affairs, or to defeat the Objects of the Law of Bankruptcy, have destroyed any Book, Paper, Deed, Writing, or other Document relating to his Trade, Dealings, or Estate.

Second.—If the Bankrupt shall, with the like Intent, have kept or caused to be kept false Books, or have made false Entries in, or withheld Entries from, or wilfully altered or falsified, any Book, Paper, Deed, Writing, or other Document relating to his Trade, Dealings, or Estate.

Third.—If the Bankrupt shall have contracted any of his Debts by any manner of Fraud, or by means of false Pretences, or shall by any manner of Fraud, or by means of false Pretences, have obtained the Forbearance of any of his Debts by any of his Creditors.

Fourth.—If the Bankrupt shall at any Time within Two Months next preceding the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, fraudulently, in contemplation of Bankruptcy, and not under Pressure from any of his Creditors,

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with Intent to diminish the Sum to be divided among his Creditors, or to give an undue Preference to any of his Creditors, have paid or satisfied any such Creditor, wholly or in part, or have made away with, mortgaged, or charged any Part of his Property, of what Kind soever.

Fifth.—If the Bankrupt shall at any Time after the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, and with Intent to diminish the Sum to be divided among his Creditors, or to give an undue Preference to any of his Creditors, have concealed from the Court or his Assignees any Debt due to or from him, or have concealed or made away with any Part of his Property, of what Kind soever.

Sixth.—If the Bankrupt shall under his Bankruptcy, or at any Meeting of his Creditors within Three Months next preceding the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, have attempted to account for any of his Property by fictitious Losses or Expenses.

Seventh.—If the Bankrupt shall, within Six Months next preceding the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, have put any of his Creditors to any unnecessary Expense by any vexatious and frivolous Defence or Delay to any Suit for the Recovery of any Debt or Demand provable under his Bankruptcy, or shall be indebted in Costs incurred in any Action or Suit so vexatiously brought or defended.

Eighth.—If the Bankrupt shall, at any Time after the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, have wilfully prevented or withheld the Production of any Book, Paper, Deed, Writing, or other Document relating to his Trade, Dealings, or Estate.

Ninth.—If the Bankrupt shall during his trading have wilfully, and with Intent to conceal the true State of his Affairs, have omitted to keep proper Books of Account; or shall wilfully, and with Intent to conceal the true State of his Affairs, have kept his Books imperfectly, carelessly, and negligently.

Assignees, and Creditors who have proved, to be deemed Judgment Creditors, and Court to grant Certificate thereof, which shall have the Effect of a Judgment of Superior Court at Westminster.

CCLVII. That the Assignees for the Time being of the Estate and Effects of any Bankrupt, when the Accounts relating to his Estate shall have become Records of the Court, shall be deemed Judgment Creditors of such Bankrupt for the total Amount of the Debts which shall by such Accounts appear to be due from him to his Creditors; and every Creditor of any Bankrupt, immediately after the Proof of his Debt shall have been admitted, shall be deemed a Judgment Creditor of such Bankrupt to the Extent of such Proof; and the Court, when it shall have refused to grant the Bank-

39. *Of Offences against the Law of Bankruptcy.*

rupt any further Protection, or shall have refused or suspended his Certificate, shall, on the Application of such Assignees or of any such Creditor, grant a Certificate under the Seal of the Court, in the Form contained in Schedule B a. to this Act annexed, and every such Certificate shall have the Effect of a Judgment entered up in one of Her Majesty's Superior Courts of Common Law at *Westminster* until the Allowance of the Certificate of Conformity of such Bankrupt; and the Assignees or the Creditor to whom, according to such Certificate, the Bankrupt shall be indebted as therein mentioned, shall be thereupon entitled to issue and enforce a Writ of Execution against the Body of such Bankrupt; and the Production of any such Certificate to the proper Officer of any such Superior Court shall be sufficient Authority to him to issue and seal such Writ, and it shall be lawful for such Superior Courts to make such Orders and Rules in that Behalf as to them shall seem fit; provided always, that every such last-mentioned Certificate shall be deemed to have been cancelled and discharged by the Allowance of the Certificate of Conformity of such Bankrupt from the Time of such Allowance; provided also, that no Execution by virtue of any Certificate which shall be granted to any Creditor or Assignees as aforesaid shall be issued, nor shall any such Certificate or Execution in any Manner affect any Estate or Effects which shall come to or be acquired by the Bankrupt, after the Allowance of his Certificate of Conformity.

Assignees for the Time being may issue Execution on such Certificate.

CCLVIII. That the Assignees for the Time being may issue and enforce Execution upon any such Certificate as last aforesaid as fully to all Intents and Purposes as the Assignees to whom such Certificate shall have been originally granted.

Bankrupt taken in Execution not to be discharged except by Order of the Court.

CCLIX. That if any Bankrupt shall be taken in Execution after the Refusal of Protection, or after the Refusal or Suspension of his Certificate, he shall not be discharged from such Execution, until he shall have been in Prison for the full Period of One Year, except by Order of the Court: Provided always, that this Enactment shall not take effect until after the Expiration of Six Months from the Commencement of this Act, and then only against such Persons as shall have been adjudged bankrupt under this Act, and for Offences committed after the Commencement of this Act.

Any Person, refusing to be sworn, or refusing to answer, or not fully answering, or refusing to sign Examination, or to produce Books, &c., may be committed.

CCLX. That if any Bankrupt, or the Wife of any Bankrupt, shall refuse to make and sign the Declaration contained in the Schedule W. to this Act annexed, or if any other Person shall refuse to be sworn, or shall refuse to answer any lawful Question put by the Court, or shall not fully answer any such Question to the Satisfaction of the Court

39. *Of Offences against the Law of Bankruptcy.*

Court, or shall refuse to sign and subscribe his Examination when reduced into Writing (not having any lawful Objection allowed by the Court), or shall not produce any Books, Papers, Deeds, and Writings, or other Documents in his Custody or Power, relating to any of the Matters under Inquiry, which such Bankrupt, Wife of the Bankrupt, or Person is required by the Court to produce, and to the Production of which he shall not state any Objection allowed by the Court, it shall be lawful for the Court, by Warrant, to commit such Bankrupt, Wife of such Bankrupt, or other Person, in *London* to the Queen's Prison, or in the Country to such Prison as such Court shall think fit, (as the Case may be in *London* or in any District in the Country,) there to remain without Bail until he shall submit himself to such Court to be sworn, and full Answers make to the Satisfaction of such Court to all such lawful Questions as shall be put by the Court, and sign and subscribe such Examination, and produce such Books, Papers, Deeds, Writings, and other Documents in his Custody or Power, to the Production of which no such Objection as aforesaid has been allowed.

Questions to be particularly specified on Warrant.

CCLXI. That if any Person be committed by the Court for refusing to answer or for not fully answering any Question put to him by the Court, such Court shall in its Warrant of Commitment specify every such Question; provided that if any Person so committed shall bring any Habeas corpus in order to be discharged from such Commitment, and there shall appear on the Return of such Habeas corpus any such Insufficiency in the Form of the Warrant whereby such Person was committed, by reason whereof he might be discharged, it shall be lawful for the Court or Judge before whom such Person shall be brought by Habeas corpus, and such Court or Judge is hereby required, to commit such Person to the same Prison, there to remain until he shall conform, unless it shall be shown to such Court or Judge by the Person committed that he has fully answered all lawful Questions put to him by the Court, or if such Person was committed for refusing to be sworn, or for not signing his Examination, unless it shall appear to such Court or Judge that he had a sufficient Reason for the same: Provided also, that such Court or Judge shall, if required thereto by the Person committed, in case the whole of the Examination of the Person so committed shall not have been stated in the Warrant of Commitment, inspect and consider the whole of the Examination of such Person whereof any such Question was a Part; and if it shall appear from the whole Examination that the Answer or Answers of the Person committed is or are satisfactory, such Court or Judge shall and may order the Person so committed to be discharged.

CCLXII. That

39. *Of Offences against the Law of Bankruptcy, &c.*

Assignees under Fiats issued on or prior to 11th November 1842 retaining unclaimed Dividends, &c.

CCLXII. That if it shall at any Time be made to appear to the Court that any Assignee under any Fiat issued on or at any Time prior to the Eleventh Day of *November* One thousand eight hundred and forty-two has, either in his own Hands or in the Hands of any Attorney or at any Bankers, or otherwise subject to his Order or Disposition, or knows that there is or are in the Hands or subject to the Order and Disposition of himself or any Co-Assignee, any unclaimed Dividends or any undivided Surplus, and that such Assignee has not caused a Certificate thereof to be filed as in this Act above required, containing a full and true Account of the Names of the Creditors to whom such unclaimed Dividends are due, and of the Amount of such Dividends, and, as to any undivided Surplus, caused a Certificate stating the full and true Amount of such Surplus to be filed, and has not, as in this Act above required, paid over to the Account intituled "The Unclaimed Dividend Account" the Amount of such unclaimed Dividends, or so much thereof as shall not have been paid to the Creditors or other Persons entitled thereto, and also the Amount of such undivided Surplus, every such Assignee shall be charged, in Account with the Estate of the Bankrupt, with Interest upon the Amount of such unclaimed Dividends or undivided Surplus at the Rate of Five Pounds *per Centum per Annum*, to be computed from the Time at which such Certificate is required to be filed, for such Time as he shall thenceforth, either solely or together with any Co-Assignee or other Person, retain such Dividends or undivided Surplus, as the Case may be, and also with such further Sum as the Court shall direct, not exceeding in the whole at the Rate of Twenty Pounds *per Centum per Annum* to be computed from the Time aforesaid; and it shall be lawful for the Court to order that such Sum or Sums be forthwith paid into the Bank of *England* to the Credit of the Accountant in Bankruptcy to the Account intituled "The Unclaimed Dividend Account," and also to make such Order as to Costs as the Justice of the Case shall seem to require.

Official Assignee not filing Certificate of unclaimed Dividends subject to Penalty.

CCLXIII. That the Neglect of any Official Assignee to file a Certificate as required by this Act of all unclaimed Dividends and undivided Surplus belonging to any Bankrupt's Estate under his Care and Management shall be subject to the Provisions herein-before contained with respect to the unclaimed Dividends and undivided Surplus therein mentioned, and as if such Official Assignee had such Dividends and undivided Surplus in his own Hands.

Such unclaimed Dividends to be paid, or carried to the unclaimed Dividend Account.

CCLXIV. That such last-mentioned unclaimed Dividends and undivided Surplus, and any Penalty payable by any Official Assignee in respect thereof, shall be paid into the Bank of *England*, or carried

39. *Of Offences against the Law of Bankruptcy, &c.*

to the Credit of the Accountant in Bankruptcy to the said Account intituled "The Unclaimed Dividend Account."

Assignee disobeying Direction to pay or invest Money, and retaining it, or permitting Co-Assignee to retain or employ it, to be charged with 20 per Cent.

CCLXV. That if any Assignee shall retain in his Hands or employ for his own Benefit, or knowingly permit any Co-Assignee so to retain or employ, any Sum to the Amount of more than One hundred Pounds, Part of the Estate of any Bankrupt, or shall neglect to invest any Money in the Purchase of Exchequer Bills when directed by the Court, every such Assignee shall be liable to be charged in his Account with such Sum as shall be equal to Interest at the Rate of Twenty *per Centum per Annum* on all such Money for the Time during which he shall have so retained or employed the same, or permitted the same to be so retained or employed, or during which he shall so have neglected to invest the same in the Purchase of Exchequer Bills; and the Court is hereby required to charge every such Assignee in his Account accordingly.

Persons disobeying any Rule or Order of Court to be committed to Prison until they conform, or the Court, or Vice Chancellor or the Lord Chancellor, shall otherwise order.

CCLXVI. That if any Person shall disobey any Rule or Order of the Court duly made by such Court for enforcing any of the Purposes and Provisions of this Act, or of any other Act hereafter to be in force relating to the Subject Matters of this Act, or made or entered into by Consent of such Person for carrying into effect any of such Purposes or Provisions, the Court may, by Warrant in the Form contained in Schedule B b. to this Act annexed, commit the Person so offending to the Queen's Prison, or to the Common Gaol of any County, City, or Place where he shall be found, or where he shall usually reside, there to remain without Bail or Mainprize until such Court, or the Vice Chancellor or the Lord Chancellor, shall make Order to the contrary.

If Debt sworn to by Petitioning Creditor be not due, or if Act of Bankruptcy be not proved, and it appear that the Fiat or Petition was issued or filed fraudulently or maliciously, Court may order Satisfaction.

CCLXVII. That if the Debt stated by the Petitioning Creditor in his Affidavit or in his Petition for Adjudication, and verified by Affidavit, to be due to him from any Trader, shall not be really due, or if after a Fiat issued, or Petition for Adjudication of Bankruptcy filed, it shall not have been proved that the Person against whom such Fiat has been issued or Petition filed had committed an Act of Bankruptcy and was a Trader at the Time of the issuing of the Fiat or filing of such Petition, and it shall also appear that such Fiat was issued, or that such Petition was filed, fraudulently or maliciously, the Court shall and may, upon Petition of the Person against whom any such Fiat or Petition was so issued or filed, examine into the same, and order Satisfaction to be made to him for the Damages by him sustained.

Petitioning Creditor compounding with Trader after Bankruptcy.

CCLXVIII. That if any Petitioning Creditor shall after the Bankruptcy receive any Money, Satisfaction, or Security for his Debt

or

or any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debts than the other Creditors, such Petitioning Creditor shall forfeit his whole Debt, and shall also repay or deliver up such Money, Satisfaction, or Security, or the full Value thereof, to the Assignee or Assignees of such Bankrupt, for the Benefit of the Creditors of the Bankrupt.

Concealing Bankrupt's Effects.

CCLXIX. That any Person who shall wilfully conceal any Real or Personal Estate of the Bankrupt, and who shall not, within Forty-two Days after the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, discover such Estate to the Court or to the Assignees, shall forfeit the Sum of One hundred Pounds, and Double the Value of the Estate so concealed; and any Person who shall after such Time voluntarily discover to the Court or to the Assignees any Part of such Bankrupt's Estate not before come to the Knowledge of the Assignees shall be allowed Five *per Centum* thereupon, and such further Reward as the Assignees, with the Consent of the Court, shall think fit, to be paid out of the Estate recovered on such Discovery.

Allowance to Persons making Discovery.

Obtaining Money, Goods, &c. as an Inducement to forbear Opposition, or to consent to Allowance of Certificate.

CCLXX. That if any Creditor of a Bankrupt shall obtain any Sum of Money, or any Goods, Chattels, or Security for Money, from any Person, as an Inducement for forbearing to oppose or for consenting to the Allowance of the Certificate of such Bankrupt, or to forbear to petition for the Recall of the same, every such Creditor so offending shall forfeit and lose for every such Offence the Treble Value or Amount of such Money, Goods, Chattels, or Security so obtained (as the Case may be).

Officers, &c. taking Fees improperly.

CCLXXI. That if any Commissioner, Registrar, Accountant, Master, Clerk, Messenger, Assignee, or any other Officer or Person whatsoever, shall, for anything done or pretended to be done under this Act or any other Act relating to Bankrupts, or under colour of doing anything under this Act or any such other Act, fraudulently and wilfully demand or take, or appoint or allow any Person whatsoever to take, for him or on his Account, or for or on account of any Person by him named, or in trust for him or for any other Person by him named, any Fee, Emolument, Gratuity, Sum of Money, or anything of Value whatsoever other than is allowed by this Act or any such other Act as aforesaid, such Person, when duly convicted thereof, shall forfeit and pay the Sum of Five hundred Pounds, and be rendered incapable and is hereby rendered incapable of holding any Office or Place under Her Majesty.

Inserting Advertisements without Authority.

CCLXXII. That any Person who shall insert or cause to be inserted in the *London Gazette*, or in any Newspaper, any Advertisement

39. *Of Offences against the Law of Bankruptcy, &c.*

ment under this Act, without Authority, or knowing the same to be false in any material Particular, shall be guilty of a Misdemeanor.

Forging Signature of Commissioner, or Officer, or the Seal of the Court.

CCLXXIII. That if any Person shall forge the Signature of any Commissioner, or Registrar, or of the Accountant, Master, or other Officer of the Court, or shall forge or counterfeit the Seal of the Court, or knowingly concur in using any such forged or counterfeit Signature or Seal, for the Purpose of authenticating any such Proceeding or Document, or shall tender in Evidence any such Proceeding or Document with a false or counterfeit Signature of any such Commissioner, Registrar, Accountant, Master, or other Officer, or a false or counterfeit Seal of the Court, subscribed or attached thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Admission in Evidence of certain official and other Documents.*

Gaoler suffering Persons committed to Escape, &c.

CCLXXIV. That if any Keeper of any Prison or any Gaoler to whose Custody any Bankrupt or other Person shall be duly committed shall refuse to receive such Bankrupt or other Person, or shall suffer him to escape, every such Keeper or Gaoler shall forfeit Five hundred Pounds.

Application of Forfeitures.

CCLXXV. That all Sums of Money forfeited under this Act, or by virtue of any Conviction for Perjury committed in any Oath, Affirmation, or Declaration thereby directed or authorized, may be sued for by the Assignees of the Estate and Effects of any Bankrupt connected therewith or interested therein, in any of Her Majesty's Superior Courts of Record, and the Money so recovered (the Charges of Suit being deducted) shall be paid over to the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to the Account intituled "The Chief Registrar's Account."

40. *Definition of Terms, &c.*

And with respect to the Definition and Explanation of Terms, be it enacted,

CCLXXVI. That the Terms and Words herein-after enumerated or explained, wheresoever occurring in this Act, shall be understood as herein-after defined or explained, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Definition or Explanation; that is to say,

"Lord Chancellor:"

The Term "Lord Chancellor" shall mean also and include the Lord Keeper and Lords Commissioners for the Custody of the Great Seal of the United Kingdom for the Time being:

40. *Definition of Terms, &c.*

The Term "Vice Chancellor" shall mean such One of the Vice Chancellors of the High Court of Chancery as shall for the Time being have duly vested in him Jurisdiction in Bankruptcy: "Vice Chancellor:"

The Term "the Court" and the Term the "Court of Bankruptcy" shall mean Her Majesty's Court of Bankruptcy, and shall mean also and include any Commissioner or Commissioners of Her Majesty's Court of Bankruptcy constituting and acting as a Court under this Act: "Court:"

The Term the "Senior Commissioner" shall mean the Senior Commissioner of the Court acting in *London*, which Seniority shall be determined by the Date of the Letters Patent or Commission under which the Commissioners of the Court acting in *London* were or shall be appointed, and in the event of such Letters Patent or Commission bearing the same Date, then by the Place and Precedence of such Commissioners at the Bar: "Senior Commissioner:"

The Terms "Fiat" and "Fiat in Bankruptcy" shall mean also and include any Commission of Bankrupt: "Fiat" and "Fiat in Bankruptcy:"

The Term "annulling" shall mean also and include "superseding:" "Annulling:"

The Term "Month" shall mean a Calendar Month: "Month:"

The Term "Assignees" shall mean the Assignees of the Estate and Effects of the Bankrupt: "Assignees:"

The Term "Oath" shall be deemed to include the Declaration or Affirmation of any Person authorized by Law to declare or affirm: "Oath:"

The Term "Bank of *England*" shall include all Branches thereof: "Bank of England:"

Words importing the Singular Number or the Masculine Gender only shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person, and Bodies Corporate as well as Individuals, and Females as well as Males; and Words importing the Plural Number shall be understood to apply to One Matter as well as more than One, and to One Person as well as more than One: Number and Gender.

And in all Cases in which any particular Number of Days is prescribed by this Act, or shall be mentioned in any Rule or Order of Court which shall at any Time be made under this Act, for the doing of any Act, or for any other Purpose, the same shall be reckoned, in the Absence of any Expression to the contrary, exclusive of the first and inclusive of the last Day, unless the last Day shall happen to fall on a *Sunday*, *Christmas Day*, *Good Friday*, *Monday* or *Tuesday* in *Easter* Week, or a Day appointed for a public Fast or Thanksgiving, in which Case the Time shall be reckoned exclusive of that Day also. Where any particular Number of Days is prescribed for doing any Act, how Time to be reckoned.

41. Aliens and Denizens.

CCLXXVII. And be it enacted, That this Act shall extend to Aliens and Denizens, both to make them subject thereto and to entitle them to all the Benefits given thereby.

42. Act may be amended, &c.

CCLXXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHE-

Bankrupt Law Consolidation.

SCHEDULE B.

The Bankrupt Law Consolidation Act, 1849.

RETURN by One of the Official Assignees of the Court of Bankruptcy for the District, showing the State of every Bankruptcy under his Charge, and not finally wound up, on the 31st Day of December 18 .

1. Name of Bankrupt.	
2. Gross Amount of Debts and Liabilities stated in the Bankrupt's Balance Sheet.	
3. Net Amount of Debts proved.	
4. Gross Amount of Assets in Balance Sheet.	
5. Total Amount of Assets collected.	
6. Total Amount paid in Dividends.	
7. Average Rate per Cent. on the Debts proved.	
8. Total Amount of Charges (exclusive of the Allowances to the Official Assignee).	
9. Total Amount of Allowances paid to the Official Assignee.	
10. Total Amount of Allowances to Official Assignee for Petty Expenses.	
11. Average Rate per Cent. on Monies collected by Official Assignee.	
12. Balance in Bank of England to the Credit of the Estate.	
13. Balance in Hands of Official Assignee.	
14. Particulars of Certificates granted, refused, and suspended (distinguishing the Result of each Bankruptcy).	
15. Cause of Failure, as shown by Bankrupts Books and Accounts.	
16. Bankruptcies in which final Dividends have been declared, and the Estates wound up, between 1st January and 31st December 18 , inclusive.	
17. Certificates allowed.	
18. Class of Certificate, 1, 2, or 3.	

SCHEDULE C.

DOCUMENT.	Stamp Duty in lieu of Fees. £	s.	d.
Every Petition for Adjudication of Bankruptcy, or for Arrangement between any Debtor and his Creditors, under the Superintendence and Control of the Court, or for Certificate of Arrangement by Deed	10	0	0
Every Declaration of Insolvency	0	2	6
Every Summons of Trader Debtor	0	2	6
Every Admission or Deposition of Trader Debtor	0	2	6
Every Bond with Sureties	0	5	0
Every Application for Search for Petition or other Proceeding (except Search for the Appointment of any Sitting or Meeting)	0	1	0
Every Allocatur by any Officer of the Court for any Costs, Charges, or Disbursements,—where such Bill of Costs shall not exceed £5	0	1	6
Exceeding £5 and not exceeding £10	0	2	6
„ 10 „ 20	0	5	0
„ 20 „ 30	0	7	6
„ 30 „ 50	0	10	0
„ 50 „ 100	0	15	0
„ 100 „ 150	1	0	0
„ 150 „ 200	1	10	0
„ 200 „ 300	2	0	0
„ 300 „ 500	3	0	0
„ 500	5	0	0

SCHEDULE D.

The Bankrupt Law Consolidation Act, 1849.

Declaration of Insolvency by Trader.

I the undersigned *E. F.* of do hereby declare, That I am unable to meet my Engagements with my Creditors. Dated at the Hour of o'Clock [in the Forenoon, *or* at Noon, *or* in the Afternoon, *as the Case may be,*] this Day of in the Year of our Lord

Witness, (Signed) *E. F.*

G. H., Attorney of the Court of

SCHEDULE E.

The Bankrupt Law Consolidation Act, 1849.

Writ of Summons to be served on a Member of Parliament in order to enforce the Provisions of "The Bankrupt Law Consolidation Act, 1849."

VICTORIA, *etc.*

To *C.D.* of, *etc.* Esquire, having Privilege of Parliament, Greeting: We command you, that, within One Calendar Month next after personal Service hereof on you, you do cause an Appearance to be entered for you in Our

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

Acts and Parts of Acts repealed.

Date of Act.	Title.	Extent of Repeal.
6 G. 4. c. 16. -	An Act to amend the Laws relating to Bankrupts.	The whole.
1 & 2 W. 4. c. 56. -	An Act to establish a Court of Bankruptcy.	The whole, except as herein-before in the Bankrupt Law Consolidation Act, 1849, is excepted, and except so far as relates to the Appointment, Tenure of Office, and Removal of Commissioners, Registrars, Deputy Registrars, and Official Assignees of the Court of Bankruptcy, and except so far as the Act prohibits such Commissioners, Registrars, and Deputy Registrars from practising as a Barrister, or being an Attorney or Solicitor, or renders such Commissioners, Registrars, Deputy Registrars, Official Assignees, and the Lord Chancellor's Secretary of Bankrupts, incapable of being elected or sitting as a Member of the House of Commons, and except so far as relates to the Grant of Compensations to Officers and Persons whose Offices, Places, Fees, or Emoluments were discontinued and abolished.
3 & 4 W. 4. c. 47.	An Act to authorize His Majesty to give further Powers to the Judges of the Court of Bankruptcy, and to direct the Times of Sitting of the Judges and Commissioners of the said Court.	The whole.
1 & 2 Vict. c. 110. -	An Act for abolishing Arrest on mesne Process in Civil Actions, except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in England.	So far as relates to the Manner of making bankrupt any Trader within the Meaning of the Laws then in force respecting Bankrupts, upon the filing of an Affidavit or Affidavits of Debt or Debts in the Court of Bankruptcy, and after Notice in Writing requiring immediate Payment of such Debt or Debts.
2 Vict. c. 11. -	An Act for the better Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Fiats in Bankruptcy.	So far as relates to the Protection of Purchasers against secret Acts of Bankruptcy and Fiats in Bankruptcy.

Bankrupt Law Consolidation.

Date of Act.	Title.	Extent of Repeal.
2 & 3 Vict. c. 29. -	An Act for the better Protection of Parties dealing with Persons liable to the Bankrupt Laws.	The whole.
5 & 6 Vict. c. 122. -	An Act for the Amendment of the Law of Bankruptcy.	The whole, except as herein-before in the Bankrupt Law Consolidation Act, 1849, is excepted, so far as the Act repeals any other Act or Acts or any Part of any other Act or Acts, and except so far as relates to the Appointment, Tenure of Office, and Removal of additional Commissioners, Deputy Registrars, and Official Assignees to act in the Country, except so far as relates to the Salaries of Commissioners, and except so far as relates to the Transfer of the Duties and Business of the Clerk of Enrolments to the Registrar of the Court acting in Basinghall Street, and except so far as relates to retiring Annuities and Allowances, and except so far as relates to the Allowance of travelling and other Expenses to the Commissioners and Deputy Registrars.
7 & 8 Vict. c. 96. -	An Act to amend the Law of Insolvency, Bankruptcy, and Execution.	So far as relates to the Powers of the Lord Chancellor to issue Fiat against a Trader upon Petition of the Trader himself, and to attach the Commissioners acting in the Country to any District.
8 & 9 Vict. c. 48. -	An Act to substitute a Declaration for an Oath in Cases of Bankruptcy.	So far as relates to England.
10 & 11 Vict. c. 102.	An Act to abolish the Court of Review in Bankruptcy, and to make Alterations in the Jurisdiction of the Court of Bankruptcy and Court for the Relief of Insolvent Debtors.	So far as the Act enacts that all Laws, Orders, and Authorities touching the Practice and Manner of Proceeding in the Court of Review, and appealing to and from that Court, shall continue in force and be applicable to the Jurisdiction of the Vice Chancellor appointed to act in Bankruptcy, and so far as the Act enacts that all Sums and Fees shall continue to be payable and receivable by the like Persons, and to be paid and applied to the like Purposes, as the same had theretofore been paid and received in respect of any Matter in the said Court of Review.
11 & 12 Vict. c. 86.	An Act to empower the Commissioners of the Court of Bankruptcy to order the Release of Bankrupts from Prison in certain Cases.	The whole.

SCHE-

Our Court of in an Action [on Promises, *or* Debt, *or as the Case may be*], at the Suit of *A.B.*; and you are hereby informed, that an Affidavit of Debt for the Sum of hath been filed in the proper Office, according to the Provisions of "The Bankrupt Law Consolidation Act, 1849," and that unless you pay, secure, or compound for the Debt sought to be recovered in this Action, or enter into such Bond as by the said Act is provided, and cause an Appearance to be entered for you, within One Calendar Month next after such Service hereof, you will be deemed to have committed an Act of Bankruptcy from the Time of the Service hereof.

Witness at Westminster, the Day of

This Writ is to be served within Four Calendar Months from the Date thereof, including the Day of such Date, and not afterwards, and is to be endorsed with the Name of the Plaintiff or his Attorney in manner following; that is to say,

This Writ was issued by *E.F.* of , Attorney for the Plaintiff [*or* Plaintiffs] within named;

or,

This Writ was issued in Person by the Plaintiff within named, who resides at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such there be*].

SCHEDULE F.

The Bankrupt Law Consolidation Act, 1849.

Affidavit for summoning a Trader Debtor.

A.B. of and *C.D.* of severally make Oath and say, and first this Deponent *A.B.* for himself saith, That *E.F.* is justly and truly indebted to this Deponent in the Sum of [*the Amount of the Debt*] for, *&c.* [*stating the Nature of the Debt with Certainty and Precision*]; and this Deponent further saith, that the said *E.F.*, as this Deponent verily believes, is a Trader within the Meaning of the Law of Bankruptcy, and resides at ; and that an Account in Writing of the Particulars of the Demand of the said *A.B.*, amounting to the said Sum of [*the Amount of the Debt*], with a Notice thereunder written in the Form prescribed by "The Bankrupt Law Consolidation Act, 1849," requiring immediate Payment of the said Debt, is hereunto annexed; and this Deponent *C.D.* for himself saith, that he did, on the Day of instant [*or* last], personally [*or otherwise, according to the Fact,*] serve the said *E.F.* with a true Copy of the said Account and Notice.

Sworn, *&c.*

SCHEDULE G.

The Bankrupt Law Consolidation Act, 1849.

Particulars of Demand, and Notice requiring Payment.

To *E.F.* of

THE following are the Particulars of the Demand of the undersigned *A.B.* of against you the said *E.F.*, amounting to the Sum of [*the Amount of the Debt. Then copy the Account.*]

Take notice, That I the said *A.B.* hereby require immediate Payment of the said Sum of . Dated this Day of in the Year of our Lord

(Signed) *A.B.*

SCHE-

SCHEDULE H.

The Bankrupt Law Consolidation Act, 1849.

Summons of Trader Debtor.

THESE are to will and require you to whom this Warrant is directed personally to be and appear before the Court of Bankruptcy in Basinghall Street in the City of London [*or* at in the County of] on the Day of at o'Clock; and you are hereby informed that the Purpose for which you are thus summoned to appear before the said Court is to ascertain, in Manner and Form prescribed by "The Bankrupt Law Consolidation Act, 1849," whether or not you admit the Demand of *A.B.* of (who claims of you the Sum of [*state the Amount*] for a Debt), or any and what Part thereof, or whether you verily believe that you have a good Defence upon the Merits to the said Demand, or to any and what Part thereof; and hereof you are not to fail, at your Peril.

Given under my Hand, the Day of in the Year of our Lord .

(Signed) *C.D.*,
Commissioner.

SCHEDULE I.

The Bankrupt Law Consolidation Act, 1849.

Admission of Debt by Trader Debtor.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D. .

WHEREAS I the undersigned *E.F.* of am summoned to appear before this Honourable Court for the Purpose of stating, in manner prescribed by "The Bankrupt Law Consolidation Act, 1849," whether or not I admit the Demand of *A.B.* of (who claims of me the said *E.F.* the Sum of [*the Amount*] for a Debt), or any and what Part thereof; or whether I verily believe that I have a good Defence upon the Merits to the said Demand, or to any and what Part thereof; be it known, That I the said *E.F.* hereby confess that I am indebted to the said *A.B.* in the said Sum of [*or* in part of the said Sum of , that is to say, in the Sum of .]

(Signed) *E.F.*

SCHEDULE J.

The Bankrupt Law Consolidation Act, 1849.

Deposition by Trader Debtor that he has good Answer to Creditor's Demand, or some Part thereof.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D. .

E.F. being sworn on the Day and Year and at the Place aforesaid, upon his Oath saith, That he verily believes he has a good Defence upon the Merits to the Demand [*or* to Part of the Demand] hereinafter mentioned of *A.B.* of who claims of the said *E.F.* the Sum of for a Debt alleged to be due and owing from the said *E.F.*

E.F. to the said *A.B.*, as stated in the Affidavit of the said *A.B.* filed in this Honourable Court, and bearing Date the Day of .

Sworn before me,
J.K., Commissioner. (Signed) *E.F.*

SCHEDULE K.

Form of Bond to pay admitted Demand.

Know all Men by these Presents, That we *A.B.*, *C.D.*, and *E.F.* are jointly and severally held and firmly bound to *E.F.* in the Sum of of lawful Money of Great Britain, to be paid to him, his Executors, Administrators, or Assigns, for which Payment well and truly to be made we jointly and severally bind ourselves, our Heirs, Executors, and Administrators.

Dated this Day of in the Year of our Lord 184 .

(L.S.)
(L.S.)
(L.S.)

Whereas the said *A.B.*, after being duly summoned to appear in Her Majesty's Court of Bankruptcy, for the Purpose of stating whether or not he admits a certain Demand of the said *E.F.* amounting to the Sum of , or any and what Part thereof, or whether he verily believes that he hath a good Defence upon the Merits to the said Demand, or to any and what Part thereof, hath deposed upon Oath [*or* Affirmation, *as the Case may be*,] that he verily believes that he the said *A.B.* hath a good Defence upon the Merits to the said Demand [*or* to , Part of the said Demand]: *And whereas an Action of Debt [*or as the Case may be*], wherein the said *E.F.* is Plaintiff and the said *A.B.* is Defendant, is now depending in [*Name of Court in which the Action is depending*], for the Recovery of the said Demand [*or* last-mentioned Sum, *as the Case may be*]: Now, therefore, the Condition of this Obligation is such, that if the said *A.B.* shall, on Demand, well and truly pay to the said *E.F.*, or his Attorney or Agent, such Sum as shall be recovered by, together with such Costs as shall be given to, the said *E.F.* in such Action, this Obligation shall be void and of no Effect, but otherwise shall be and remain in full Force and Virtue. [*Or if an Action has not been already brought, insert, instead of the Paragraph following the* *, *these Words:* Now, therefore, the Condition of this Obligation is such, that if the said *A.B.* shall, on Demand, well and truly pay or cause to be paid to the said *E.F.*, his Attorney or Agent, such Sum or Sums as shall be recovered by, together with such Costs as shall be given to, the said *E.F.* in any Action which shall hereafter be brought for the Recovery of the said Demand [*or* last-mentioned Sum, *as the Case may require*], this Obligation shall be void and of no Effect, but otherwise shall be and remain of full Force and Virtue.

SCHEDULE L.

The Bankrupt Law Consolidation Act, 1849.

Admission of Debt by Trader Debtor signed out of Court.

I the undersigned *E.F.* of do hereby confess, That I am indebted to *A.B.* of in the Sum of .

(Signed) *E.F.*

Dated this Day of A.D.

Witness,
G.H., Attorney for the said *E.F.*, and subscribing Witness to the Execution hereof as such Attorney.

SCHEDULE M.

The Bankrupt Law Consolidation Act, 1849.

Petition by a Creditor for Adjudication of Bankruptcy.

To the Court of Bankruptcy for the District.

The humble Petition of
Showeth,

That being a Trader, and having resided [*or* carried on Business, *as the Case may be,*] for Six Calendar Months next immediately preceding the Date of this Petition within the District of this Honourable Court, that is to say, at [*insert the Name of the Place*], is indebted unto your Petitioner in the Sum of Fifty [*if Two Petitioners,* Seventy, *and if Three or more,* One hundred] Pounds, [*as the Case may be,*] and that your Petitioner has been informed and believes that the said did lately commit an Act of Bankruptcy within the true Intent and Meaning of the Law of Bankruptcy.

Your Petitioner therefore humbly prays, that on Proof of the Requisites in that Behalf Adjudication of Bankruptcy may be made against the said

And your Petitioner shall ever pray, &c.

Signed by the Petitioner on the
Day of 184 , in the
Presence of
Solicitor, in the Matter of this Petition.

If the Petition be by Partners, alter the Form accordingly, and let it be signed by One on behalf of himself and Partners.

If the Petition be by several, not being Partners, then it must be signed by each, and in such Case the Names of the several Petitioners should be stated in the Attestation or Attestations relating thereto respectively.

If the Petitioner cannot speak to the Place of Residence or Business of the Trader, strike out the Averment as to that, and annex to the Petition a separate Affidavit of some Person who can depose to the Fact.

If the Petition be against Partners, alter the Form accordingly.

SCHEDULE N.

The Bankrupt Law Consolidation Act, 1849.

Affidavit of Truth of Allegations in Petition.

Day of A.D.
of in the of
the Petitioner named in the Petition hereunto annexed, maketh Oath and saith, That the several Allegations in the said Petition are true.

Sworn at this Day of One thousand eight hundred and before me,

If the Petitioner affirm, alter the Form accordingly.

SCHE-

SCHEDULE O.

The Bankrupt Law Consolidation Act, 1849.

Petition by a Trader for Adjudication of Bankruptcy against himself.

To the Court of Bankruptcy for the District.

The humble Petition of

Showeth,

THAT your Petitioner, being a Trader within the Meaning of the Law of Bankruptcy, and having resided [*or* carried on Business, *as the Case may be,*] for Six Calendar Months next immediately preceding the Date of this Petition within the District of this Honourable Court, that is to say, at [*insert the Name of the Place*], and being unable to meet his Engagements with his Creditors, has filed a Declaration of Insolvency in Manner and Form in that Case made and provided, and that your Petitioner verily believes that he can make it appear to the Satisfaction of the Court that his available Estate is sufficient to pay his Creditors at least Five Shillings in the Pound.

Your Petitioner therefore humbly prays, that on Proof of the Requisites in that Behalf Adjudication of Bankruptcy may be made against him.

And your Petitioner shall ever pray, &c.

Signed by the Petitioner on the
Day of 18 , in the
Presence of
Solicitor in the Matter of this Petition.

If the Petition be by Partners, alter the Form accordingly, and state the Names of the several Petitioners in the Attestation or Attestations relating thereto respectively.

SCHEDULE P.

The Bankrupt Law Consolidation Act, 1849.

Order to prosecute a Petition for Adjudication of Bankruptcy in a particular District.

Court of Bankruptcy, Basinghall Street, London,
the Day of A.D. .

In the Matter of a Petition for Adjudication of Bankruptcy against *C. D.* of, *&c.*

UPON Application made to me this Day by [of Counsel *or* Solicitor] for and upon reading the Affidavit of
I do hereby order that the Petition for Adjudication of Bankruptcy against the above-named *C.D.* be prosecuted in the District.

A.B.,
Commissioner.

SCHEDULE Q.

The Bankrupt Law Consolidation Act, 1849.

Order to consolidate Proceedings, or to impound any Petition for Adjudication of Bankruptcy, and the Proceedings thereunder, or any Part thereof.

Court of Bankruptcy, Basinghall Street, London,
the Day of A.D. .

Ex parte .
In the Matter of .

UPON Application made to me this Day by [of Counsel *or* Solicitor] for and upon reading the Affidavit of
I do order that [*stating the Order*].

A.B.,
Commissioner.

SCHEDULE R.

The Bankrupt Law Consolidation Act, 1849.

Order to transfer a Petition for Adjudication of Bankruptcy, &c. from the Court in one District to the Court in another District.

Court of Bankruptcy, Basinghall Street, London,
the Day of *A.D.*

Ex parte
In the Matter of

UPON Application made to me this Day by [of Counsel *or* Solicitor] for and upon reading the Affidavit of
I do order that [*stating the Order*].

A.B.,
Commissioner.

SCHEDULE S.

General Docket Book.

Name of Bankrupt.	Residence.	Trade.	Petitioning Creditor.	Solicitor.	Date of filing Petition.	Commissioner or Court.	Date of Adjudication.	When advertised.	When annulled.	Time allowed to Petitioning Creditor for proceeding extended.	Proceedings consolidated, impounded, or transferred (as the Case may be).	Date of Certificate of Conformity.	Class of Certificate, 1, 2, or 3.

SCHE-

SCHEDULE T.

The Bankrupt Law Consolidation Act, 1849.

Order for Petition for Adjudication of Bankruptcy to be proceeded in, on a substituted Debt.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D. .

In the Matter of a Bankrupt.

UPON Application made to the Court this Day, by [of Counsel *or* Solicitor] for a Creditor of the above-named Bankrupt, and who has proved a Debt of sufficient Amount to support an Adjudication, and the Debt of the Petitioning Creditor having been found by the Court to be insufficient to support the Adjudication of Bankruptcy against the above-named it is hereby ordered, that the Petition for Adjudication of Bankruptcy filed against the said on the Day of be proceeded in, and that the Costs of, &c. [*stating such Order as to Costs of any of the Parties concerned as the Court thinks fit.*]

A.B., Commissioner.

SCHEDULE U.

The Bankrupt Law Consolidation Act, 1849.

Order annulling Adjudication.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D. .

In the Matter of

UPON reading the Proceedings in the above Matter, and upon hearing [the Evidence now adduced, *if the Case be so*, and] what was alleged by and being satisfied that the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy [*or specify the particular Matter deemed insufficient, as the Case may require,*] upon which the Adjudication of Bankruptcy made against the said on the Day of was grounded, were and are [*or* was and is] insufficient to support such Adjudication, and no other Debt, Trading, or Act of Bankruptcy [*or specify the particular Matter requisite in lieu of that deemed insufficient, as the Case may require,*] sufficient to support such Adjudication being proved, I do order that the Adjudication of Bankruptcy made against the said on the said Day of be annulled, and the same is hereby annulled accordingly.

A.B., Commissioner.

SCHEDULE V.

The Bankrupt Law Consolidation Act, 1849.

Search Warrant.

Day of A.D. .

WHEREAS by Evidence duly taken upon Oath it hath been made to appear to the Satisfaction of me the undersigned Commissioner of the Court of Bankruptcy, acting in the Prosecution of a Petition for Adjudication of Bankruptcy filed and now in prosecution against *A.B.* of in the County of bearing Date the Day of and under which the said *A.B.* has been adjudged bankrupt, that there is Reason to suspect and believe that

that Property of the said *A.B.* is concealed in the House [*or other Place, describing it, as the Case may be,*] of one *C.D.* of in the County of such House not belonging to the said Bankrupt: These are therefore, by virtue of the "Bankrupt Law Consolidation Act, 1849," to authorize and require you, with necessary and proper Assistants, to enter, in the Daytime, into the House [*or other Place, describing it, as the Case may be,*] of the said *C.D.* situate at aforesaid, and there diligently to search for the said Property, and if any Property of the said Bankrupt shall be there found by you on such Search, that you seize the same, to be disposed of and dealt with according to the Provisions of the said Act.

Given under my Hand and the Seal of the Court, at the Court of Bankruptcy, London, [*or* at the Court of Bankruptcy for the District at in the County of ,] this Day of in the Year of our Lord One thousand eight hundred and .

A.B., (L S.)
Commissioner.

To , my Messenger, and his Assistants.

If there be Reason to suspect that the Bankrupt and his Property are concealed, alter the Warrant accordingly.

SCHEDULE W.

The Bankrupt Law Consolidation Act, 1849.

Form of Declaration to be made by the Bankrupt or the Bankrupt's Wife.

I *A. B.*, the Person declared a Bankrupt under a Fiat in Bankruptcy dated the Day of [*or* under a Petition for Adjudication of Bankruptcy filed on the Day of in the Year of our Lord] [*or* I *C. D.*, the Wife of *A.B.* declared a Bankrupt under a Fiat in Bankruptcy dated the Day of , *or* under a Petition for Adjudication of Bankruptcy filed on the Day of ,] do solemnly promise and declare, That I will make true Answer to all such Questions as may be proposed to me respecting all the Property of the said *A.B.*, and all Dealings and Transactions relating thereto, and will make a full and true Disclosure of all that has been done with the said Property, to the best of my Knowledge, Information, and Belief.

(Signed) *A.B.*,
[*or C.D.*, the Wife of the said *A.B.*]

SCHEDULE X.

The Bankrupt Law Consolidation Act, 1849.

Admission of Debt by Creditor of Bankrupt.

I, the undersigned *I.K.* of do hereby, in open Court, confess that I am indebted to *E.F.* of a Bankrupt, in the Sum of , upon the Balance of Accounts between myself and the said *E.F.*

(Signed) *I.K.*

Witness, *G.H.*, Attorney of One of the Superior Courts, and named by the said *I.K.* [*or* named by the Court here] according to the Bankrupt Law Consolidation Act, 1849.

SCHE-

SCHEDULE Y.

The Bankrupt Law Consolidation Act, 1849.

Order for Payment of Debt admitted in Court to be due to the Estate of a Bankrupt.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D.

In the Matter of a Bankrupt.

WHEREAS of in his Examination taken Day of and signed and subscribed by the said has admitted that he is indebted to the above-named Bankrupt in the Sum of upon the Balance of Accounts between the said and the said Bankrupt: It is hereby ordered that the said do pay to the Official Assignee of the Estate and Effects of the said Bankrupt, in full Discharge of the Sum so admitted, the Sum of forthwith [*or if otherwise, state the Time and Manner of Payment*], and that the said do also pay to the said Official Assignee the Sum of for the Costs of and incident to the Summons of the said in this Behalf.

A.B., Commissioner.

C.D., Registrar.

If the Court shall not adjudge the Costs of and incident to the Summons to be paid by the Person summoned, or if the Court shall adjudge the Official Assignee to pay to the Person summoned his Costs, out of the Estate and Effects of the Bankrupt, alter the Form accordingly.

SCHEDULE Z.

The Bankrupt Law Consolidation Act, 1849.

Certificate of Conformity.

I Esquire, One of the Commissioners of Her Majesty's Court of Bankruptcy, acting in the Prosecution of a Fiat in Bankruptcy dated the Day of [*or* a Petition for Adjudication of Bankruptcy filed against and bearing Date the Day of] One thousand eight hundred and do certify, That the said became bankrupt before the Date and issuing of the said Fiat [*or* Date and filing of the said Petition,] within the true Intent and Meaning of the Law of Bankruptcy, and was thereupon adjudged bankrupt accordingly; and I further certify, that due Notice was given in the London Gazette of such Fiat having been issued [*or* Petition having been filed] and of the Adjudication thereon, and that Two public Sittings for the said Bankrupt to surrender and conform were duly appointed, the last of which said Sittings was appointed to be on the Day of last; and I further certify, that such Two several Sittings were had pursuant to such Notice, and that before Three of the Clock upon the said Day of the said Bankrupt did surrender himself, and did sign and subscribe such Surrender, and submit to be examined from Time to Time upon Oath; and I further certify, that the said Bankrupt did on the Day of last finish his Examination, and upon such Examination made a full Disclosure and Discovery of his Estate and Effects, and in all things conformed, and, so far as the Court can judge, there doth not appear any Reason to question the Truth or Fulness of such Discovery; and I further certify, that on the Day of in the Year of our Lord One thousand eight hundred and at the Court of Bankruptcy in Basinghall Street, London, [*or* at in the County of] I held a public Sitting for the Allowance of this Certificate

to

to the said Bankrupt, (whereof, and of the Purport whereof, the Notice required in that Behalf was duly given,) and having regard to the Conformity of the said Bankrupt to the Law of Bankruptcy, and to his Conduct as a Trader before as well as after his Bankruptcy, I did then and there find the said Bankrupt entitled to such Certificate, and did allow the same. And I further certify that his Bankruptcy has arisen from unavoidable Losses and Misfortunes, and that he is entitled to, and I do award him, this Certificate as of the First Class; *or* that his Bankruptcy has not wholly arisen from unavoidable Losses and Misfortunes, and that he is entitled to, and I do award him, this Certificate as of the Second Class; *or* that his Bankruptcy has not arisen from unavoidable Losses or Misfortunes, and that he is only entitled to, and I do only award him, this Certificate as of the Third Class].

[*If the Certificate be allowed with Conditions, the same to be inserted here.*]

Given under my Hand and the Seal of the Court, at the Court of Bankruptcy, London [*or* at the Court of Bankruptcy for the District, at in the County of], this Day of in the Year of our Lord One thousand eight hundred and

A.B., (L.S.)
Commissioner.

Signed and sealed in the Presence of

In case of Adjournment, or of the Allowance of the Certificate having been suspended, or of the Allowance thereof by the Vice Chancellor, or upon a Rehearing, alter the Form accordingly.

SCHEDULE A a.

The Bankrupt Law Consolidation Act, 1849.

Petition for Arrangement.

To the Court of Bankruptcy for the District.

The humble Petition of

Showeth,

That your Petitioner, being a Trader unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them, under the Superintendence and Control of this Honourable Court, and of submitting himself to the Jurisdiction thereof, petitions the Court under the Provisions of "The Bankrupt Law Consolidation Act, 1849."

That the Inability of your Petitioner to meet his Engagements with his Creditors arises from

Your Petitioner therefore prays that his Person and Property may be protected from all Process, and that such Proposal as he may be able to make (or such Modification thereof as by Three Fifths in Number and Value of his Creditors may be determined) may be carried into effect under the Superintendence and Control of this Honourable Court.

And your Petitioner shall ever pray, &c.

Signed by the Petitioner in the Presence of

Solicitor in the Matter of this Petition.

SCHE-

SCHEDULE A b.

The Bankrupt Law Consolidation Act, 1849.

Affidavit in support of Petition for Arrangement.

[*If the Petitioner affirm, alter the Form accordingly.*]

of in the of
the Petitioner named in the Petition hereunto annexed, maketh Oath and saith, That the several Allegations in the said Petition are true, and that he, this Deponent, hath Assets ready to be produced to this Honourable Court to the Value of 200*l.* and upwards.

Sworn at this Day of One thousand eight hundred and before me.

SCHEDULE A c.

The Bankrupt Law Consolidation Act, 1849.

Certificate to Petitioning Trader.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D. .

WHEREAS of
a Trader unable to meet his Engagements with his Creditors, did on the Day of present his Petition to this Honourable Court, under the Provisions of "The Bankrupt Law Consolidation Act, 1849," praying that a certain Proposal, or such Modification thereof as by Three Fifths in Number and Value of his Creditors might be determined, should be carried into effect, under the Superintendence and Control of the said Court: And whereas
One of the Commissioners of the said Court, acting in the Matter of the said Petition, caused such Sittings of the Court to be held as are directed by the said Act: And whereas a certain Resolution or Agreement was duly assented to at such Sittings, which the said Commissioner, thinking to be reasonable and proper to be executed under the Direction of the said Court, caused to be filed and entered of Record therein: And whereas the said Resolution or Agreement has been fully carried into effect: I hereby certify the several Matters aforesaid under my Hand and the Seal of Court, this Day of 18 .

A.B. (L.S.)
Commissioner.

SCHEDULE A d.

The Bankrupt Law Consolidation Act, 1849.

Certificate to Official Assignee.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D. .

WHEREAS of
a Trader unable to meet his Engagements with his Creditors, did on the Day of present his Petition to this Honourable Court, under the Provisions of "The Bankrupt Law Consolidation Act, 1849," praying that a certain Proposal should be carried into effect, under the Superintendence and Control of the said Court: And whereas
One of the Commissioners of the said Court, acting in the Matter of the said Petition, caused certain Sittings of the Court to be held pursuant to the said

Act: And whereas a certain Resolution or Agreement was duly assented to at such Sittings, which the said Commissioner, thinking the same to be reasonable and proper to be executed under the Direction of the said Court, caused to be filed and entered of Record therein: And whereas the said Resolution or Agreement has been fully carried into effect, and I am satisfied that the Official Assignee appointed to carry the said Resolution or Agreement into effect, has fully performed his Trust; I hereby certify the same under my Hand and the Seal of the Court, this Day of 184 .

A.B. (L.S.)
Commissioner.

SCHEDULE B a.

The Bankrupt Law Consolidation Act, 1849.

Certificate to Assignees or to a Creditor to entitle them to issue Writ of Execution.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D.

In the Matter of a Bankrupt.

I HEREBY certify, That *A. B.* of and *C. D.* of Assignees of the Estate and Effects of the above-named Bankrupt, are Creditors of the said Bankrupt as such Assignees for the Sum of in trust for the Creditors of the said Bankrupt [*or* that *E. F.* of is a Creditor of the said Bankrupt for the Sum of], and that the said Bankrupt is not protected by this Court from Process against his Person.

G.H.,
Commissioner.

I. J.,
Registrar.

Seal of the Court.

SCHEDULE B b.

The Bankrupt Law Consolidation Act, 1849.

Warrant against Person disobeying any Rule or Order of Court.

WHEREAS by a Rule [*or* an Order] of this Court, bearing Date the Day of made for enforcing the Purposes and Provisions of the Bankrupt Law Consolidation Act, 1849 [*or if of any other Act hereafter in force relating to the Subject Matters of this Act, or made or entered into by Consent for carrying into effect any of such Purposes or Provisions, alter the Recital accordingly*], it was ordered, that, [*&c., &c., as in the Rule or Order*]

And whereas it is now proved that after the making of the said Rule [*or* Order], that is to say, on this Day of a Copy of the said Rule [*or* Order] was duly served on the said personally,

personally, and the original Rule [*or* Order] at the same Time shown to him, but the said then refused [*or* neglected] to obey the same, and hath not as yet obeyed the said Rule [*or* Order]

These are therefore to will, require, and authorize you immediately upon Receipt hereof to take into your Custody the Body of the said *A.B.*, and him safely to convey to Her Majesty's Gaol [*or* Prison] of [*or* called] and him there to deliver to the Keeper of the said Prison, together with this Precept, and the Keeper of the said Prison is hereby required and authorized to receive the said *A.B.* into his Custody, and him safely to keep and detain, without Bail or Mainprize, until this Court, or the Vice Chancellor appointed to sit in Bankruptcy, or the Lord Chancellor, shall make Order to the contrary; and for so doing this shall be your sufficient Warrant.

Given under my Hand and the Seal of the Court at the Court of Bankruptcy, London, [*or* at the Court of Bankruptcy for the District at in the County of ,] this Day of in the Year of our Lord One thousand eight hundred and

A.B. (L.S.)
Commissioner.

To my Messenger, or his Assistant, and to the Keeper of Her Majesty's Prison [*or* Gaol] of [*or* called], or his Deputy there.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1849.