



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

C A P. CXXII.

An Act for the Amendment of the Law of
Bankruptcy. [12th August 1842.]

WHEREAS it is expedient to amend the Law of Bankruptcy: And whereas by an Act passed in the Reign of His late Majesty, intituled *An Act to establish a Court in Bankruptcy*, various Alterations were made in the Administration of the Law of Bankruptcy, which have by Experience been found beneficial, and it is advisable to extend the Provisions and Regulations contained in the said Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions of this Act, unless where otherwise herein specially provided, shall commence and take effect from and after the Eleventh Day of *November* next.

1 & 2 W. 4. c. 56.

Commencement
of this Act.

II. And be it enacted, That all Laws, Statutes, and Usages shall be and the same are hereby repealed, in so far as they may be inconsistent or at variance with the Provisions of this Act; provided always, that the same shall continue in force in all other respects whatsoever.

Laws at variance with this Act repealed.

Petitioning
Creditor's Bond
may be dis-
pensed with.

III. And be it enacted, That in every Case of a Petition for the Issue of a Fiat in Bankruptcy, it shall be lawful for the Lord Chancellor to dispense, if he shall think fit, with the Bond now required to be given to him by the Petitioning Creditor, conditioned for proving his Debt, and for proving the Party to have committed an Act of Bankruptcy at the Time of issuing such Fiat, and for proceeding upon such Fiat; and in such Case it shall be lawful to issue the Fiat without any such Bond having been given.

Fiat in Bank-
ruptcy to be
transmitted
direct to the
Court autho-
rized to act in
the Prosecution
thereof, and
forthwith
opened, unless
postponed by
the Court.

In case Fiat
is not opened
by Petitioning
Creditor in the
Time allowed.

IV. And be it enacted, That every Fiat in Bankruptcy granted after the Commencement of this Act shall, after the granting of such Fiat, be forthwith issued and transmitted by the Lord Chancellor's Secretary of Bankrupts, in such Manner, and at such Cost, as the Lord Chancellor by any general or other Order shall direct, to the Court to which such Fiat shall be directed under and by virtue of the Powers of any Act now in force or of this Act, and shall be forthwith opened, unless such Court shall in its Discretion think fit to postpone the Opening of such Fiat: Provided always, that if such Fiat shall not be opened by the Petitioning Creditor within Three Days after it shall have been so transmitted, or within such extended Time as shall be allowed by the said Court, such Court is hereby authorized to open such Fiat, at any Time within Fourteen Days then next following, upon the Application of any other Creditor to the Amount required by this Act to constitute a Petitioning Creditor, and to adjudicate thereon, upon the Proof of the Debt of such Creditor, and of the other Requisites to support such Fiat: Provided always, that no such Fiat shall be issued to the Petitioning Creditor, or his Attorney or Agent.

No Fiat to be
issued to Peti-
tioning Cre-
ditor.

Person against
whom a Fiat in
Bankruptcy has
issued, on Proof
of probable
Cause for be-
lieving that he
is about to quit
England, or to
remove or con-
ceal his Goods,
with Intent to
defraud Cre-
ditors, may be
arrested.

V. And be it enacted, That whenever any Fiat in Bankruptcy shall have issued against any Person, and it shall be proved to the Satisfaction of the Court authorized to act in the Prosecution of such Fiat 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 such Court to issue a Warrant, directed to any Person or Persons such Court shall think fit, whereby such Person or Persons shall have Authority to arrest the Person named in such Fiat by his Body, and also to seize his Books, Papers, Monies, Securities for Monies, Goods, and Chattels, where-soever he or they may be found, and him and them safely keep until the Expiration of the Time allowed for opening such Fiat, or until such Person shall be adjudged bankrupt under such Fiat, and be thereon dealt with under such Fiat, according to the Laws relating to Bankrupts.

Any Person so
arrested may
apply for his
Discharge
forthwith.

VI. Provided always, and be it enacted, That it shall be lawful for any Person arrested upon any such Warrant, or for any Person whose Books, Papers, Monies, Securities for Monies, Goods, or Chattels have been seized under any such Warrant, to apply at any Time after such Arrest or Seizure to such Court for an Order or Rule on the Petitioning Creditor named in such Fiat to show Cause why

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 that it shall be lawful for such Court to make absolute or discharge such Order or Rule, and to direct the Costs of the Application to be paid by either Party; provided that any such Order may be discharged or varied by the Court of Review, on Application made thereto by either Party dissatisfied with such Order.

Court may discharge the Person or not.

Order of Court may be appealed from.

VII. 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 against him.

No Person liable upon an Act committed more than 12 Months.

VIII. And be it enacted, That no Fiat in Bankruptcy shall be deemed invalid by reason of any Act of Bankruptcy of the Person against whom the Adjudication of Bankruptcy thereunder shall be made having been concerted or agreed upon between the Bankrupt and any Creditor or other Person, save and except where any Petition to supersede or annul a Fiat for any such Cause shall have been already presented, and shall be now pending.

Act of Bankruptcy concerted between Bankrupt and Creditor, &c. not to invalidate Fiat.

IX. And be it enacted, That the Amount of the Debt or Debts of any Creditor or Creditors petitioning for a Fiat in Bankruptcy shall hereafter be as follows; that is to say, the single Debt of such Creditor or of Two or more Persons being Partners petitioning for the same 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 that 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 as aforesaid, whether he shall have had any Security in Writing for such Sum or not.

Requisite Amount of Petitioning Creditor's Debt.

X. And be it enacted, That all Livery Stable Keepers, Coach Proprietors, Carriers, Ship Owners, Auctioneers, Apothecaries, Market Gardeners, Cow-keepers, Brick-makers, Alum-makers, Lime-burners, and Millers shall be deemed Traders, and subject and liable as Traders to this and to the other Statutes relating to Bankrupts.

Persons specially named liable to become Bankrupts.

XI. And be it enacted, That if any Creditor of any Trader, within the Meaning of this or any other Statute relating to Bankrupts now or hereafter to be in force, shall file an Affidavit in the Court authorized as herein-after provided to act in the Prosecution of Fiats in Bankruptcy in the District (to be described as herein-after mentioned) in which such Debtor shall reside, or in the Court of Bankruptcy if such Debtor shall not reside in any such District, in the Form specified in Schedule hereunto annexed (A. No. 1.), of the Truth of his Debt, and of the Debtor, as he verily believes, being such Trader as aforesaid, and of the Delivery to such Trader, personally, of an Account

Creditor of a Trader making Affidavit of his Debt and of his having required Payment, Court may summon the Trader.

Account in Writing of the Particulars of his Demand, with a Notice thereunder requiring immediate Payment thereof, in the Form specified in the said Schedule (A. No. 2.), it shall be lawful for the Court in which such Affidavit shall be filed, as the Case may be, to issue a Summons in Writing, in the Form specified in the said Schedule (A. No. 3.), calling upon such Trader to appear before such Court, and stating in such Summons the Purpose for which such Trader is called upon by such Summons to appear as herein-after provided.

Manner of proceeding on Summons of Trader by a Creditor.

XII. And be it enacted, That upon the Appearance of any such Trader so summoned as aforesaid it shall be lawful for such Court to require such Trader to state whether or not he admits the Demand of such Creditor so sworn to as aforesaid, 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 specified in the Schedule hereunto annexed (B. No. 1.), and such Admission so reduced into Writing such Trader is hereby required to sign, and the same is thereupon to be filed in such Court; and it shall also be lawful for such 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 specified in the said Schedule (B. No. 2.), that he verily believes he has a good Defence to the said Demand, or to some and what Part thereof.

Trader not attending Summons, or refusing to admit the Demand and not making Deposition of Belief of a good Defence thereto, and not paying or compounding within a certain Time, or giving Bond for Payment, to be deemed an Act of Bankruptcy.

XIII. And be it enacted, That if any such Trader so summoned as aforesaid shall not come before such Court at the Time appointed (having no lawful Impediment made known to and proved to the Satisfaction of the Court at the said Time, and allowed), or if any such Trader, upon his Appearance to such Summons as aforesaid, or at any Enlargement or Adjournment thereof, (as the Case may be,) shall refuse to admit such Demand, and shall not make a Deposition, in the Form herein-before mentioned, that he believes he has a good Defence to such Demand, then and in either of the said Cases, if such Trader shall not, within Fourteen 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 recovering 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 Fifteenth Day after Service of such Summons, provided a Fiat in Bankruptcy shall issue against such Trader within Two Months from the filing of such Affidavit.

Trader signing an Admission of Demand in Form prescribed, and not paying, securing, or compounding within a certain

XIV. And be it enacted, That if any such Trader so summoned as aforesaid upon his said Appearance shall sign an Admission of such Demand in the Form aforesaid, and shall not, within Fourteen 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

such Trader shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after the filing of such Admission, provided a Fiat in Bankruptcy shall issue against such Trader within Two Months from the filing of such Affidavit.

Time, an Act of Bankruptcy.

XV. And be it enacted, That if any such Trader so summoned as aforesaid shall upon his said Appearance sign an Admission for Part only of such Demand in the Form aforesaid, and shall not make a Deposition in the Form herein-before required that he believes he has a good Defence to the Residue of such Demand, then and in such Case, if such Trader, as to the Sum so admitted, shall not, within Fourteen 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 not, within Fourteen 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 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, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Summons, provided a Fiat in Bankruptcy shall issue against such Trader within Two Months from the filing of such Affidavit.

Trader admitting Part only of a Demand, and not making Deposition of a good Defence to the Residue, and not paying, securing, or compounding for Sum admitted; and, as to Residue, not paying or compounding or entering into Bond to pay, any Sum recovered, with Costs; an Act of Bankruptcy.

XVI. Provided always, and be it enacted, That if any such Trader so summoned as aforesaid shall, upon his Appearance before such Court, refuse to sign the Admission in that Behalf required as aforesaid, 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 such 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 either of such Matters, for such Time as such Court shall think fit.

What shall be deemed a Refusal of Admission of Debt.

Court may enlarge the Time for Admission of Demand.

XVII. Provided always, and be it enacted, That an Admission of any Debt made after such Summons as aforesaid, and signed by any such Trader elsewhere than before such Court, may be filed in such Court, and shall be of the same Force and Effect to all Intents and Purposes as an Admission signed by such Trader so summoned as aforesaid on his Appearance in such Court, provided 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

Admission of Debt signed elsewhere than in Court, if attested by Attorney of Trader, may be filed, and have the same Force as an Admission signed by a Trader on his Appearance in Court under the Summons.

such Attorney, and that such Admission shall be made in the Form of Schedule (C.) hereunto annexed.

Trader summoned on Affidavit of Debt to have such Costs as the Court shall think fit.

XVIII. And be it enacted, That where any Trader against whom an Affidavit of Debt is filed as aforesaid shall be summoned to appear before the Court in which such Affidavit shall be filed, as the Case may be, every such Trader shall have such Costs and Charges as such Court in its Discretion shall think fit.

Wherever a Creditor (Plaintiff) shall not recover the Amount sworn to in his Affidavit of Debt filed against a Trader, if such Affidavit be made for such Amount without probable Cause the Trader (Defendant) shall be entitled to Costs.

XIX. And be it enacted, 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 Amount of the Sum for which he shall have filed an Affidavit of Debt under the Provisions of this Act, 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 a Rule or Order of the same Court, direct that such Costs shall be allowed to the Defendant; and the Plaintiff shall, upon such Rule or Order being made as aforesaid, 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 of the Defendant to be taxed as aforesaid, that 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 as aforesaid, to take out Execution for such Costs in like Manner as a Defendant may now by Law have Execution for Costs in other Cases.

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

XX. And be it enacted, 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 Fourteen Days after Notice in Writing personally served upon him requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, he shall be deemed to have committed an Act of Bankruptcy on the Fifteenth 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 before directed.

XXI. And be it enacted, 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 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 Fourteen Days before the Day therein appointed for Payment of such Money, shall neglect to pay the same, he shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after the Service of such Order.

Trader disobeying Order of any Court of Equity, or Order in Bankruptcy or Lunacy, for Payment of Money, after Service of Order for Payment on a peremptory Day fixed, an Act of Bankruptcy.

XXII. And be it enacted, 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 of Schedule (D.) hereunto 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 Fiat in Bankruptcy shall issue against such Trader within Two Months from the filing of such Declaration; and a Copy of such Declaration, purporting to be certified by the said Secretary or his Clerk as a true Copy, shall be received as Evidence of such Declaration having been filed.

Trader filing a Declaration of Insolvency in the Office of the Secretary of Bankrupts, an Act of Bankruptcy.

XXIII. And be it enacted, That before Notice of any Adjudication of Bankruptcy under any Fiat in Bankruptcy issued after the Commencement of this Act 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 so adjudged bankrupt personally, or by leaving the same at the usual Place of Abode or Place of Business of such Person, and that such Person shall be allowed Five Days from the Service of such Duplicate to show Cause to the Court authorized to act in the Prosecution of the Fiat under which such Adjudication shall have been made, against the Validity of such Adjudication; and that if such Person shall within the Time hereby allowed in that Behalf show to the Satisfaction of such Court that the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy upon which such Adjudication shall have been grounded, or that 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 such Court, such Court shall thereupon cause a Memorandum in Writing to be filed with the Proceedings under such Fiat that such Adjudication is annulled, and the same shall thereby be annulled accordingly;

Person adjudged bankrupt to have Notice thereof before Adjudication advertised, and to be allowed Five Days to show Cause against Adjudication; if Petitioning Creditor's Debt, Trading, or Act of Bankruptcy appear insufficient, Adjudication to be annulled;

but if no Cause shown for annulling Adjudication, Notice to be advertised, and Sittings appointed for Surrender.

With Consent of Bankrupt, Adjudication may be advertised sooner.

Bankrupt to be free from Arrest.

Examination may be adjourned.

If Bankrupt shall not proceed to dispute the Fiat, and prosecute with Effect, the Gazette to be conclusive Evidence of the Bankruptcy as against the Bankrupt, and

accordingly; but if at the Expiration of the said Time no Cause shall have been shown to the Satisfaction of such Court for the annulling of such Adjudication, such 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 such 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 if such Person so adjudged bankrupt shall, after such Adjudication, and before the Expiration of the Time so allowed for showing Cause as aforesaid, surrender to such Fiat, and give his Consent, testified in Writing under his Hand before such Court, to such Adjudication, and that the same may be advertised, such Court, after such Consent so given as aforesaid, shall forthwith cause Notice of such Adjudication to be advertised, and appoint the Sittings for the Bankrupt to surrender and conform in manner aforesaid; and such Person so adjudged bankrupt 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 such further Time as shall be allowed him for finishing his Examination, and for such Time after finishing his Examination until his Certificate be allowed and confirmed, as such Court shall from Time to Time, by Endorsement upon the Summons of such Bankrupt, think fit to appoint, provided he was not in Custody at the Time of such Surrender; and if such Bankrupt shall be arrested for Debt or on any Escape Warrant in coming to surrender, or shall after his Surrender be so arrested within the Time aforesaid, he shall, on producing his Summons signed as required by this Act to the Officer who shall arrest him, and giving such Officer a Copy thereof, be immediately discharged; and if any Officer shall detain any such Bankrupt after he shall have shown such Summons to him, 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; and it shall be lawful for the Court authorized to act in the Prosecution of such Fiat, at the Time appointed for the last Examination of the Bankrupt, or any Enlargement or Adjournment thereof, to adjourn such Examination *sine Die*; and in such Case he shall be free from Arrest or Imprisonment for such Time not exceeding Three Months as such Court shall from Time to Time by Endorsement upon the Summons of such Bankrupt appoint, with like Penalty upon any Officer detaining such Bankrupt after having been shown such Summons.

XXIV. And be it enacted, 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

the Fiat, 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, and that such Fiat was sued forth on the Day on which the same is stated in the Gazette to bear Date, saving all Rights which shall have accrued to any such Person as aforesaid previous to the Commencement of this Act, and in respect of which any Proceedings shall be pending at the Time of the Commencement of this Act, which shall be adjudged and determined as if this Act had not been passed.

against Persons whom the Bankrupt might have sued had he not been adjudged Bankrupt, saving present Rights for which any Proceedings are pending.

XXV. And be it enacted, That in the event of the Death of any Witness deposing to the Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, under any Fiat in Bankruptcy already issued or hereafter to be issued, the Deposition of any such deceased Witness, purporting to be sealed with the Seal of the Court of Bankruptcy, or a Copy thereof purporting to be so sealed, shall in all Cases be receivable in Evidence of the Matters therein respectively contained.

Deposition of deceased Witness of Petitioning Creditor's Debt, Trading, or Act of Bankruptcy to be Evidence of the Matters therein contained.

XXVI. And be it enacted, That if the Assignees commence any Action or Suit for any Money due to the Bankrupt's Estate before the Time allowed by this Act for the Bankrupt to dispute the Fiat 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 the Time aforesaid shall have elapsed; and if within that Time the Bankrupt shall not have commenced such Action, Suit, or other Proceeding as aforesaid, and prosecuted the same with due Diligence, the Money shall be paid out of Court to the Assignees, but otherwise shall abide the Event of such Action, Suit, or other Proceeding as aforesaid, and upon such Event shall be paid out of Court, either to the Assignees, or the Person adjudged bankrupt, as the Court shall direct, and that after such Payment 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.

Provision for Debtor to the Bankrupt's Estate paying the Debt into Court, when sued by the Assignees within the Time for Bankrupt to dispute.

XXVII. And be it enacted, That it shall be lawful for the Court authorized to act in the Prosecution of any Fiat in Bankruptcy, whenever such Court shall think fit, at or after the Sitting appointed for the last Examination of the Bankrupt named in such Fiat, to audit the Assignees Accounts, and to make a Declaration of Dividend under such Fiat, subject nevertheless to such Advertisement and such other Provisions relating to such Audits and Dividends as are now required in respect of Audits and Dividends under Bankrupts Estates, except such Provisions as relate to the Limitation of Time in any Manner respecting such Audits and Dividends, or the Appointment thereof.

Audits and Dividends to be had and made whenever the Court think fit after the Time appointed for the Bankrupt's last Examination.

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

XXVIII. And be it enacted, That when any Bankrupt under a Fiat issued after the Commencement of this Act shall have been indebted at the Time of issuing the Fiat against him 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 authorized to act in the Prosecution of such Fiat, upon Proof thereof, to order so much as shall be so due as aforesaid, 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 under the Fiat for any Sum exceeding such last-mentioned Amount.

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

XXIX. And be it enacted, That when any Bankrupt under a Fiat issued after the Commencement of this Act shall have been indebted, at the Time of issuing the Fiat against him, 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 authorized to act in the Prosecution of such Fiat, upon Proof thereof, to order so much as shall be so due as aforesaid, 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 under the Fiat for any Sum exceeding such last-mentioned Amount.

Search Warrants may be granted.

XXX. And be it enacted, That in all Cases where it shall be made to appear to the Satisfaction of the Court authorized to act in the Prosecution of any Fiat in Bankruptcy, that there is Reason to suspect and believe that Property of any Bankrupt is concealed in any House, Premises, or other Place not belonging to such Bankrupt, such Court is hereby directed and authorized to grant a Search Warrant to any Person appointed by the Court in which the Adjudication against such Bankrupt shall have been made, and it shall be lawful for such Person to execute such Warrant according to the Tenor thereof; and such 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.

In Cases of a Member of a Firm being bankrupt, the Court, upon Application, may authorize Actions or Suits in Name of the Assignee of the Bankrupt and the remaining Partner.

Partner to have Notice of such Application, and may show Cause against it.

XXXI. And be it enacted, That if any Person adjudged bankrupt after the Commencement of this Act shall at the Time of his Bankruptcy be a Member of a Firm, it shall be lawful for the Court authorized to act in the Prosecution of the Fiat against such Bankrupt to authorize the Assignee, upon his Application, to commence or prosecute any Action at Law or Suit in Equity in the Name of such Assignee 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 is claimed by him by virtue of the said Proceedings, shall be indemnified against the Payment of any Costs in respect of such Action or Suit, in such

Manner as such Court upon his Application shall 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.

XXXII. And be it enacted, That if any Person adjudged bankrupt after the Commencement of this Act shall not, upon the Day limited for the Surrender of such Bankrupt, 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 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, and of the Sittings of the Court authorized to act in the Prosecution of the Fiat against him, surrender himself to such Court, and sign or subscribe such Surrender, and submit to be examined before such Court from Time to Time upon Oath; 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 Expence of his Family); or if any such Bankrupt shall not upon such Examination deliver up to the said 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 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 be transported 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 be imprisoned, with or without hard Labour, in any Common Gaol, Penitentiary House, or House of Correction, for any Term not exceeding Seven Years.

Bankrupt not surrendering, and submitting to be examined;

or making Discovery of his Estate and Effects;

or not delivering up his Estate, Books, &c.;

or concealing, &c. to the Value of 10*l.*, guilty of Felony, and liable to Transportation or Imprisonment, with or without hard Labour.

XXXIII. And be it enacted, That the Court authorized to act in the Prosecution of any Fiat in Bankruptcy shall have Power, as often as such Court shall think fit, from Time to Time, to enlarge the Time for the Bankrupt named in such Fiat surrendering himself for such Time as such 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.

Court may enlarge the Time for the Bankrupt surrendering himself.

XXXIV. And be it enacted, That if any Bankrupt shall, after an Act of Bankruptcy committed, or in contemplation of Bankruptcy, or with Intent to defeat the Object of this or any other Statute relating to Bankrupts, and after the Commencement of this Act, have 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, every such Bankrupt shall

Bankrupt destroying or falsifying any of his Books, &c., or making false Entries, guilty of a Misdemeanor, and liable to Imprisonment, with or without hard Labour.

be

be deemed to be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned in any Common Gaol or House of Correction for any Term not exceeding Three Years, with or without hard Labour.

Bankrupt, within Three Months of his Bankruptcy, having obtained Goodson Credit under false Pretence, or removing, concealing, &c. Goods so obtained, guilty of a Misdemeanor.

XXXV. And be it enacted, That if any Bankrupt shall within Three Months next preceding his Bankruptcy, and after the Commencement of this Act, under the false Colour and Pretence of carrying on Business and dealing in the ordinary Course of Trade, have obtained on Credit from any other Person any Goods or Chattels with Intent to defraud the Owner thereof, or if any Bankrupt shall within the Time aforesaid, with such Intent, have removed, concealed, or disposed of any Goods or Chattels so obtained, knowing them to have been so obtained, every such Person so offending shall be deemed to be guilty of a Misdemeanor, and being convicted thereof shall be liable to Imprisonment for any Term not exceeding Two Years, with or without hard Labour.

Prosecution against Bankrupt for any Offence under this Act may be ordered by the Court acting in Prosecution of the Fiat.

XXXVI. And be it enacted; That it shall be lawful for the Court authorized to act in the Prosecution of any Fiat in Bankruptcy issued after the Commencement of this Act, upon the Request in Writing of at least Three Creditors (not being Partners) who shall have respectively proved Debts of the Amount of Fifty Pounds or upwards under such Fiat, to direct the Assignees of the Bankrupt named in such Fiat, if he shall be suspected of or charged with the Commission of any of the Offences specified in this Act, to institute and carry on a Prosecution of such Bankrupt for such Offence, and to order that the Costs and Expences to be incurred in such Prosecution shall be paid out of the Estate and Effects of the said Bankrupt, and such Assignees shall thereupon institute and carry on such Prosecution; and in case the said Assignees shall refuse or neglect to institute and carry on to Conviction such Prosecution, having no lawful or reasonable Impediment made known to and allowed by the said Court, the said 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 aforesaid, as the said Court may think fit.

Bankrupt may be discharged by Certificate of Conformity in manner herein-after prescribed.

XXXVII. And be it enacted, That every Bankrupt who shall have duly surrendered and in all things conformed himself to the Laws in force at the Time of issuing the Fiat in Bankruptcy against him shall be discharged from all Debts due by him when he became bankrupt, and from all Claims and Demands made proveable under the Fiat, in case he shall obtain a Certificate of such Conformity so signed and allowed, and subject to such Provisions as herein-after mentioned; and no Certificate of such Conformity by any such Bankrupt shall release or discharge such Bankrupt from such Debts, Claims, or Demands, unless such Certificate shall be obtained, allowed, and confirmed according to such Provisions: Provided always, that no such Certificate shall release or discharge any Person who was Partner with such Bankrupt at the Time of his Bankruptcy, or was then jointly bound or had made any joint Contract with such Bankrupt; and provided also, that nothing herein contained shall affect the Validity of any Certificate

Discharge of Bankrupt not to release or discharge a Partner or Person jointly bound.

cate allowed by the Lord Chancellor or Court of Review previous to the Commencement of this Act.

XXXVIII. Provided always, and be it enacted, That no Bankrupt shall be entitled to the Certificate under this Act, and that any such Certificate, if obtained, 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 his Bankruptcy Two hundred Pounds, or if he shall within One Year next preceding his Bankruptcy 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 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 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 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 Fiat, 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.

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 concealed or destroyed Books, &c.;

or made fraudulent Entries;

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

XXXIX. And be it enacted, That it shall be lawful for the Court authorized to act in the Prosecution of any Fiat in Bankruptcy already issued or hereafter to be issued, on the Application of the Bankrupt named in such Fiat, to appoint a public Sitting for the Allowance of such Certificate to the Bankrupt named in such Fiat (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 any of the Creditors of such Bankrupt may be heard against the Allowance of such Certificate; but it shall not be requisite for such Certificate to be signed by any of the Creditors of such Bankrupt; and such Court, having regard to the Conformity of the Bankrupt to the Laws relating to Bankrupts, and to the Conduct of the Bankrupt as a Trader before as well as after his Bankruptcy, 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: Provided always, that no Certificate shall be such Discharge unless such Court shall, in Writing under Hand and Seal, certify to the Court of Review that such Bankrupt has made a full Discovery of his Estate and Effects, and in all things conformed as aforesaid, and that there does not appear any Reason to doubt the Truth or Fulness of such Discovery, and unless the Bankrupt make Oath in Writing that such Certificate was obtained fairly and without Fraud, and unless the Allowance of such Certificate shall, after such Oath, be confirmed by the Court of Review, against which

Mode of obtaining Certificate of Conformity.

Certificate not to be a Discharge unless the Court certify a full Conformity.

Confirmation any of the Creditors of the Bankrupt may be heard before such Court.

Contracts or Securities to induce Creditors to forbear Opposition to be void.

XL. And be it enacted, That any Contract or Security made or given by any Bankrupt or other Person unto or in Trust for any Creditor, or 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 or Confirmation of such Certificate, 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.

Penalty for obtaining Money, Goods, &c. as an Inducement to forbear Opposition, or consenting to Allowance or Confirmation of Certificate.

XLI. And be it enacted, 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 or Confirmation of the Certificate of such Bankrupt, 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,) to be recovered as herein-after provided.

Bankrupt having obtained his Certificate, free from Arrest.

Certificate to be Evidence of the Bankruptcy and Proceedings.

Bankrupt in execution may be ordered to be discharged.

XLII. And be it enacted, That any Bankrupt who shall, after such Certificate shall have been confirmed, be arrested, or have any Action brought against him for any Debt, Claim, or Demand proveable under the Fiat against such Bankrupt, shall be discharged upon entering an Appearance, and may plead in general that the Cause of Action accrued before he became bankrupt, and may give this Act and the special Matter in Evidence; and such Bankrupt's Certificate, and the Confirmation thereof, shall be sufficient Evidence of the Trading, Bankruptcy, Fiat, and other Proceedings precedent to the obtaining such Certificate; and if any such Bankrupt shall be taken in Execution or detained in Prison for such Debt, Claim, or Demand, where Judgment has been obtained before the Confirmation of his Certificate, it shall be lawful for any Judge of the Court wherein Judgment has been so obtained, on such Bankrupt'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.

Bankrupt not liable upon any Promise to pay Debt discharged by Certificate, unless such Promise be in Writing.

XLIII. And be it enacted, That no Bankrupt, after such Certificate shall have been confirmed, 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 or to be made after the suing out of the Fiat, unless such Contract, Promise, or Agreement be made in Writing signed by the Bankrupt, or by some Person thereto lawfully authorized in Writing by such Bankrupt.

XLIV. And

XLIV. And be it enacted, That every Bankrupt who shall have obtained his Certificate under any Fiat issued after the Commencement of this Act, 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 Debts under the Fiat 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 as aforesaid Ten Pounds *per Centum*, provided such Allowance shall not exceed Six hundred Pounds; and provided always, that such Allowance as aforesaid shall not be payable to any Bankrupt until after the Expiration of Twelve Months from the Date of the Fiat, 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 under the Fiat being of the requisite Amount in that Behalf aforesaid; and if at the Expiration of such Time the Dividends paid as aforesaid 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.

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 12 Months after Date of Fiat, and then only if requisite Amount of Dividends paid.

If at Expiration of 12 Months the Dividends paid be under 10*s.*, Bankrupt may be allowed not exceeding 3 per Cent., and 300*l.*

XLV. And be it enacted, That in all joint Fiats 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 his other Partner may not be entitled to any Allowance.

One Partner may receive Allowance, though others not entitled.

XLVI. And whereas Fiats in Bankruptcy against Traders residing within a limited Distance from *London* are usually exclusively directed to the Court of Bankruptcy, and such Distance may, in consequence of the increased Facility of Communication, be without Inconvenience considerably extended; and it is expedient to make better Provision for the Prosecution of Fiats in Bankruptcy not directed to the Court of Bankruptcy; be it enacted, That every Fiat in Bankruptcy issued after the Commencement of this Act, not directed to the Court of Bankruptcy, shall be directed to such one of the Courts authorized to act in the Prosecution of Fiats in Bankruptcy in the Country, as herein-after provided, as the Lord Chancellor, or as the Master of the Rolls, One of the Vice Chancellors, or One of the Masters of the Court of Chancery acting under any Appointment of the Lord Chancellor to be given for that Purpose, by such Fiat may think fit to nominate, to be prosecuted in such Court, and that every such Fiat shall be thereupon prosecuted in the Court to which the same shall be so directed, and it shall be lawful for such Court to proceed thereon in all respects as Commissioners of Bankrupt acting in

Fiats in Bankruptcy, not directed to the Court of Bankruptcy, to be directed to some one of the Courts authorized to act in the Prosecution of Fiats in the Country, to be prosecuted in such Court.

in the Prosecution of a Fiat in Bankruptcy elsewhere than in the Court of Bankruptcy before the passing of this Act, save and except as such Proceeding may be altered by virtue of this Act; and that in every Bankruptcy prosecuted in any such Court every such Court shall have all the Power, Jurisdiction, and Authority, and be subject to the Duty, by any Act of Parliament now in force vested in or imposed upon such Commissioners, in all respects as if such Court were Commissioners of Bankrupt returned and appointed under the said recited Act, save and except as may be otherwise directed by this Act.

Fiats in the Country, and Proceedings thereon to be transmitted to Court of Bankruptcy, to be there filed.

XLVII. And be it enacted, That every Fiat in Bankruptcy prosecuted in the Country, and the Proceedings under such Fiat, or any Part of such Proceedings, or Copies or Minutes of every such Fiat and Proceedings, or Part thereof, at such Time and in such Manner and Form as the Lord Chancellor shall direct, shall be transmitted by the Court acting in the Prosecution of such Fiat to the Court of Bankruptcy in *London*, to be there filed and kept among the Records of the said Court.

Appointment of Official Assignees.

Their Duty.

XLVIII. And be it enacted, That a Number of Persons, not exceeding Thirty in the whole, being Merchants, Brokers, or Accountants, or Persons who are or have been engaged in Trade in the United Kingdom, shall be chosen by the Lord Chancellor to act as Official Assignees in all Bankruptcies prosecuted in the Country, one of which said Official Assignees shall in all Cases be an Assignee of each Bankrupt's Estate and Effects, together with the Assignee or Assignees to be chosen by the Creditors, such Official Assignee to give such Security, to be subject to such Rules, to be selected for such Estate, and to act in such Manner, as the Lord Chancellor, or as the Court of Review or Judge or any Commissioners of the Court of Bankruptcy, if authorized so to do by any Order of the Lord Chancellor, shall from Time to Time direct; 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 every Bankrupt, shall in every Case be possessed and received by the Official Assignee alone, save where it shall be otherwise directed by the Lord Chancellor or by the Court acting in the Prosecution of the Bankruptcy, if authorized so to do by any General or other Order of the Lord Chancellor, and whether such Official Assignee be appointed under the Provisions of the said recited Act or of this Act; 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, Rule, 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 Court of Review or Judge or Commissioner of the Court of Bankruptcy, if authorized so to do by any Order of the Lord Chancellor, shall direct; and if any such Assignee shall neglect to

make

make such Transfer, Delivery, or Payment, every such Assignee shall be liable to be charged in the same Manner as is provided in Cases of Neglect by Assignees to invest Money in the Purchase of Exchange Bills when directed so to do: Provided always, that until Assignees shall be chosen by the Creditors of each Bankrupt such Official Assignee so to be appointed to act with the Assignees to be chosen by the Creditors shall be enabled to act, and shall be deemed to be, to all Intents and Purposes whatsoever, a sole Assignee of each Bankrupt's Estate and Effects.

XLIX. Provided always, and be it enacted, That nothing herein contained shall extend to authorize any such Official Assignee to interfere with the Assignees chosen by the Creditors in the Appointment or Removal of a Solicitor or Attorney, or in directing the Time and Manner of effecting any Sale of the Bankrupt's Estate or Effects.

Proviso restricting the Authority of Official Assignees.

L. And be it enacted, That it shall be lawful for the Lord Chancellor to remove any Official Assignee, whether appointed under the Provisions of the said recited Act or of this Act, and from Time to Time, as any Vacancy may occur in the said before-mentioned Number of Official Assignees, to appoint some other such Person as aforesaid to fill any Vacancy so occurring; and in case of the Death or Removal of any such Official Assignee who shall have been appointed to act in any Bankruptcy it shall be lawful for the Court authorized to act in the Prosecution of such Bankruptcy to appoint another Official Assignee of the Number hereby prescribed to act (subject as aforesaid) in the same Bankruptcy in the Place of the Assignee who shall have so become dead or been removed.

Lord Chancellor may remove Official Assignees, and may fill up Vacancies in their Number.

LI. And be it enacted, That every Official Assignee of any Bankrupt's Estate appointed under the Provisions of this Act shall have all the same Rights, Powers, Privileges, and Exemptions as are possessed by Official Assignees appointed under the said recited Act and the Enactments therein contained in that Behalf, and, in relation to the Evidence of the Appointment of Bankrupts Assignees, shall extend and be applied to Official Assignees to be appointed under this Act, except as otherwise directed by this Act; and that every Official Assignee, whether appointed under the Provisions of the said recited Act or of this Act, shall be entitled to be paid out of the Bankrupt's Estate, by way of Remuneration for his Services, such Sum of Money as to the Court named in and acting under the Fiat in prosecution against such Bankrupt may seem just and reasonable, having regard to the Amount of the Bankrupt's Property, and the Nature of the Duties to be performed by such Official Assignee, subject, nevertheless, to such General or Special Orders in relation thereto as may from Time to Time be made by the Lord Chancellor in that Behalf.

Official Assignee invested with the same Powers, &c. as Official Assignees under former Act.

His Remuneration.

LII. And be it enacted, That all Power, Jurisdiction, and Authority of the Commissioners named in any Fiat of Bankruptcy issued before the Commencement of this Act, to be prosecuted elsewhere than in the City of *London*, shall cease and determine; and that the Lord Chancellor shall have Power from Time to Time, by any

Bankruptcies depending in the Country to be removed into such of the Courts authorized to act in the Prosecution

of Fiats in Bankruptcy as the Lord Chancellor may think fit.

General or other Order or Orders under his Hand, to transfer and remove into the Court of Bankruptcy, or such of the Courts authorized to act in the Prosecution of Fiats in Bankruptcy by virtue of this Act, as he may deem fit, any such Fiat, and that all further Proceedings in every such Fiat shall be thenceforth prosecuted and carried on in the Court to which the same shall be so transferred, in like Manner as if the Proceedings under such Fiat had been originally commenced therein by virtue of a Fiat under the Hand of the Lord Chancellor issued pursuant to the said recited Act, or to this Act, save as may be otherwise directed by this Act; provided always, that nothing herein contained shall render invalid any Proceedings which may have been had under any Fiat in Bankruptcy now subsisting, or which shall have been issued before this Act shall come into operation, or affect or lessen any Right, Claim, Demand, or Remedy which any Person now has thereunder, or upon or against any Bankrupt against whom any such Fiat has or shall have issued as aforesaid, except as herein specially enacted.

Power to appoint Official Assignees to act with the existing Assignees under such Bankruptcies, and to whom the latter shall deliver over Effects.

LIII. And be it enacted, That it shall be lawful for the Court which shall thenceforth act in the Prosecution of such Fiat, at its Discretion, to appoint some one of the Official Assignees appointed or to be appointed under the said recited Act or this Act to act with the existing Assignees, if any, under such Fiat, and to 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, save where it shall be otherwise directed by the Lord Chancellor or by the Court acting in the Prosecution of such Fiat, if authorized so to do by any General or other Order of the Lord Chancellor; 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 said 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 passing of this Act.

To exempt Official Assignee from personal Liability.

LIV. And be it enacted, That no Official Assignee shall be deemed 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, and Act of Bankruptcy upon which the Adjudication of Bankruptcy under such Fiat shall have been grounded, or of any or either of such Matters, being insufficient to support such Adjudication.

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

LV. And be it enacted, 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 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, a Copy of which Account shall be delivered to any Creditor who shall apply for the same and have proved or claimed a Debt under such Fiat,

upon his applying for the same to the Official Assignee, and to any other Person, such Person, not being a Creditor, paying such Sum, not exceeding Two Shillings and Sixpence, as shall be settled by the Court authorized to act in the Prosecution of such Fiat.

LVI. And be it enacted, That there shall be paid, in like Manner, by the Official Assignee of each Bankrupt's Estate to be administered in the Country, the like Sums as by the said recited Act are directed to be paid by the Official Assignee of each Bankrupt's Estate to be administered in the Court of Bankruptcy; and such Sums hereby directed to be paid shall be placed by the Accountant in Bankruptcy to the like Accounts respectively, and be subject to the like Orders and Directions of the Lord Chancellor, to which the said Sums mentioned in the said recited Act are thereby directed to be placed and to be subject respectively.

Like Sums to be paid under Fiats prosecuted in the Country as under Fiats prosecuted in London.

LVII. And be it enacted, That in all Cases of Fiats in Bankruptcy which, by virtue of the Provisions herein contained, shall be removed into the Court of Bankruptcy, or into any of the Courts authorized to act in the Prosecution of Fiats in Bankruptcy by virtue of this Act, and under which the Choice of Assignees shall have taken place prior to the Commencement of this Act, there shall be paid, in like Manner, by the Assignees of every such Bankrupt's Estate, on every Sitting under such Bankruptcy, the like Sum as by the said recited Act is directed to be paid on every Sitting in Cases of Commissions of Bankrupt which by virtue of the Powers therein contained should be removed into the said Court of Bankruptcy, and under which the Choice of Assignees should have taken place prior to the Commencement of the said Act; and such Sum hereby directed to be paid shall be placed by the said Accountant in Bankruptcy to the like Account, and be subject to the like Orders and Restrictions, to which the said Sum in that Behalf mentioned in the said recited Act is thereby directed to be placed and to be subject.

Like Sums to be paid on Fiats moved into the Court of Bankruptcy, or into any of the Country Courts, under which the Choice of Assignees shall have taken place, as on Commissions moved into the Court of Bankruptcy under like Circumstances.

LVIII. And whereas the Duties of the several Persons now acting as Commissioners of Bankrupt in Districts and Places for which such Persons shall have been returned and appointed under the Provisions of the said recited Act, and the Fees and Emoluments accustomed to be received by them, will be abolished by the Provisions of this Act, and it may be just and necessary that in some such Cases Compensation should be made in respect of such Fees so to be abolished; be it enacted, That it shall and may be lawful for the Lords Commissioners of Her Majesty's Treasury, by Examination on Oath or otherwise, which Oath they and each of them are and is hereby authorized to administer, to inquire into and ascertain the annual Amount of the lawful Fees and Emoluments of such Commissioners received by them, and to award to such One or more of the said Commissioners as they shall deem to be entitled to the same an Annuity or Annuities, of such Amount and for such Term as the said Lords of the Treasury shall find to be a fair and reasonable Compensation for the Loss to be sustained by such of the said Commissioners, and shall certify the Amount of such Annuity, in Writing under their Hands, to the Lord Chancellor, who shall thereupon have Power to

order
Compensation to such existing Commissioners in the Country as the Lords of the Treasury deem entitled thereto.

order the Amount so certified as payable to each such Commissioner to be paid out of the Monies standing to the Credit of the Accountant in Bankruptcy in the Bank of *England*, to the Account intituled "The Secretary of Bankrupts Compensation Account," (but subject and without prejudice to the Payment of all Salaries and Sums of Money by any Act or Acts now in force authorized to be paid thereout,) and the same shall be payable and paid accordingly to such respective Persons aforesaid, without any Deduction whatsoever: Provided always, that the annual Sum to be so payable to any Commissioner shall not exceed Two Thirds of the average annual Amount of the Sums (other than any Sum or Sums for travelling) received by them respectively as such Commissioners for the last Five Years, or such Portion of that Period as any of them acted as a Commissioner, and that such Annuity shall not be paid to any Commissioner who at any Time after the Commencement of this Act shall be appointed to hold any public Office or Employment of an annual Value greater than the Annuity to be so certified as payable to him, so long as any such Office or Employment shall be so held; and provided also, that no Person shall be entitled to such Compensation or Allowance as aforesaid whose Appointment to his Office was qualified by any Condition or Reservation expressed in his Appointment, or otherwise made known to such Person, that such Office or the Emoluments thereof were to be held and enjoyed subject to any future Provisions to be made by Parliament touching the same, or without any Claim to Compensation in case the same should cease, or be subjected to any Regulation.

Her Majesty may appoint additional Commissioners of the Court of Bankruptcy to act in the Prosecution of Fiats in Bankruptcy in the Country, in such Districts as Her Majesty in Council shall think fit.

LIX. And be it enacted, That it shall be lawful for Her Majesty, after the passing of this Act, by a Commission or Commissions under the Great Seal, to appoint as many Persons as Her Majesty shall think fit, not exceeding Twelve Persons, being Serjeants or Barristers at Law of not less than Seven Years standing at the Bar, to be Commissioners of the Court of Bankruptcy, in addition to the present Commissioners of the said Court, to act in the Prosecution of Fiats in Bankruptcy in the Country, and that they and their Successors shall take the like Oath before the Lord Chancellor as is at present administered to Commissioners of the said Court, and having once taken the said Oath shall not be again required to take the same; and that any One or more of such additional Commissioners shall and may form a District Court of Bankruptcy for the Purpose of this Act, and that every such Court shall be authorized to act in the Prosecution of Fiats in Bankruptcy in the Country, at such Place and in and for such District as Her Majesty, with the Advice of Her Privy Council, shall be pleased to direct; and that it shall be lawful for Her Majesty, with the Advice aforesaid, to describe, and from Time to Time to alter, the Limit and Extent of every such District as to Her Majesty shall seem fit: Provided always, that nothing herein contained shall prevent the Lord Chancellor, when he shall deem it expedient, from directing any Fiat in Bankruptcy to the Court of Bankruptcy.

Her Majesty may appoint Successors to

LX. And be it enacted, That upon the Death, Resignation, or Removal from Office of any of the said additional Commissioners,
or

or of any of their Successors, it shall be lawful for Her Majesty from Time to Time, by a Commission under the Great Seal, to supply such Vacancy.

additional Commissioners.

LXI. And be it enacted, That it shall be lawful for Her Majesty, after the passing of this Act, under Her Royal Sign Manual, from Time to Time to appoint any Number not exceeding Twelve Deputy Registrars, in addition to the present Deputy Registrars in the Court of Bankruptcy, to act as such in the Country, and to attend upon and assist the said additional Commissioners of the Court of Bankruptcy in the Prosecution of Fiats in Bankruptcy in the Country, in such Manner as may be found most expedient for furthering such Business, and as the Lord Chancellor shall from Time to Time by any Order direct.

Her Majesty may appoint additional Deputy Registrars for the Country.

LXII. And be it enacted, That the additional Commissioners and Deputy Registrars to be appointed under this Act shall hold their respective Offices during their good Behaviour, and that they shall be subject and liable to such and the like Privileges, Prohibitions, Disabilities, Prosecutions, Penalties, and Punishments as are by the said recited Act imposed or directed with respect to the Commissioners and Deputy Registrars appointed under such Act, and the Enactments therein contained in that Behalf, except as otherwise directed by this Act, shall extend and be applicable to the additional Commissioners and Deputy Registrars to be appointed under this Act; and that after the passing of this Act, on the Death, Resignation, Promotion, or Removal of either of the Two Registrars for the Time being of the Court of Bankruptcy, the Vacancy thereby occasioned shall be filled up by such one of the Deputy Registrars for the Time being appointed or to be appointed by virtue of the said recited Act or of this Act as the Lord Chancellor shall think fit to appoint.

Additional Commissioners and Deputy Registrars to hold their Offices during good Behaviour, and to be subject to like Privileges, Prohibitions, &c., as the present Commissioners and Deputy Registrars.

LXIII. And be it enacted, That the Accountant in Bankruptcy, the Registrar and Deputy Registrars of the Court of Bankruptcy, and also the Official Assignees and the Messengers and Ushers of the said Court, for the Time being, shall be exempt and disqualified from being returned and from serving on any Juries or Inquests whatsoever, and shall not be inserted in any Lists of Men qualified or liable to serve as Jurors, and that they shall also be exempt and disqualified from serving any parochial Office whatsoever.

Accountant in Bankruptcy, Registrars, Official Assignees, &c. to be exempt from serving on Juries, or in any parochial Office.

LXIV. And be it enacted, That from and after the passing of this Act the Court of Review in Bankruptcy may be formed by One Judge of the said Court.

The Court of Review may be formed by One Judge of the Court.

LXV. And be it enacted, That the Judges of the Court of Review in Bankruptcy shall take Rank and Precedence next after the Judges of the Superior Courts of *Westminster Hall*.

Rank, &c. of Judges of Court of Review.

LXVI. And be it enacted, That it shall be lawful for the Lord Chancellor, by any General or other Order, whenever he shall think fit, to direct the Court authorized to act in the Prosecution of any

Jurisdiction of Courts acting under Fiats in Bankruptcy.

Fiat in Bankruptcy to hear, determine, and make Order in any Matter in Bankruptcy heretofore within the original Jurisdiction of the Court of Review, or any Judge of the said Court; provided nevertheless, that any such Order shall be subject to be discharged, reversed, or altered by the Court of Review upon an Appeal, and that any Commissioner of the Court of Bankruptcy authorized to act in the Prosecution of any Fiat directed to the Court of Bankruptcy shall be deemed and taken to be a Court authorized to act in the Prosecution of such Fiat, and that all Matters and Duties by this Act directed or authorized to be done and performed by the Court of Bankruptcy shall and may be done and performed by any One or more of the Commissioners appointed or to be appointed by virtue of the said recited Act, and that every Court authorized to act and acting in the Prosecution of any Fiat in Bankruptcy now issued, or hereafter to be issued, or in execution of any Duty imposed or to be imposed on such Court by this or any other Act hereafter to be in force, shall have, use, and exercise all the Powers, Rights, Privileges, and Incidents of a Court of Record.

Before whom Affidavits are to be sworn.

LXVII. And be it enacted, That all Affidavits to be made or used in Matters of Bankruptcy, or under or by virtue of any Statute relating to Bankrupts or of this Act, shall and may be sworn before the Court of Review, or before either of the Subdivision Courts in Bankruptcy, or any Commissioner, or the Master or any Registrar or Deputy Registrar of the Court of Bankruptcy, or Master in Ordinary or Extraordinary of the High Court of Chancery, or in *Scotland* or *Ireland* 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.

Court may take Evidence *vivâ voce* or upon Affidavit.

LXVIII. And be it enacted, That it shall be lawful for the said several Subdivision Courts, and the Court authorized to act in the Prosecution of any Fiat in Bankruptcy, in all Matters within the Jurisdiction of such respective Courts, to take the whole or any Part of the Evidence either *vivâ voce* on Oath, or upon Affidavits to be sworn as aforesaid.

Costs may be awarded.

LXIX. And be it enacted, That it shall be lawful for the said several Subdivision Courts, and the Court authorized to act in the Prosecution of any Fiat in Bankruptcy, in all Matters before such Courts respectively, to award such Costs as to such Courts shall seem fit and just; and in all Cases in which Costs shall be so awarded against any Person by any such Court 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.

Rules to be made for regulating the

LXX. And be it enacted, That it shall be lawful for the Commissioners of the Court of Bankruptcy authorized to act in the Prosecution

secution of Fiats in Bankruptcy in *London*, or the major Part of them, and such of the Commissioners to be appointed under this Act as shall be nominated by the Lord Chancellor for that Purpose, to make from Time to Time, subject to the Sanction and Confirmation of the Lord Chancellor, General Rules and Orders for regulating the Forms of Proceedings (where not provided for by this Act) and the Practice to be observed in every Court authorized to act in the Prosecution of Fiats in Bankruptcy.

Forms of Proceedings and Practice to be observed in the Courts authorized to act under Fiats in Bankruptcy.

LXXI. And be it enacted, That the Piece or Parcel of Ground described in and conveyed by the Indenture of Feoffment recited in an Act made and passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal so much of an Act of the Fifth Year of the Reign of His late Majesty King George the Second, relating to Bankrupts, as requires the Meetings under Commissions of Bankrupt to be holden in the Guildhall of the City of London, and for building Offices in the said City for the Meetings of the Commissioners, and for the more regular Transaction of Business in Bankruptcy*, or expressed so to be, and all Erections and Buildings now or hereafter to be erected and built thereon, and the Fee Simple and Inheritance thereof, shall from henceforth be and become, and remain and continue vested in Her Majesty's Commissioners for the Time being of the Court of Bankruptcy acting in the Prosecution of Fiats in Bankruptcy in *London*, and their Successors, as Commissioners of the said Court, in Trust for Her Majesty, for the same Intent and Purpose as by the said Act is enacted and declared concerning the Commissioners and Trustees thereby nominated; and the Person or Persons now being Commissioners and Trustees by virtue of the said Act shall cease to be such Commissioners or Trustees; and the said Commissioners for the Time being of the said Court, and their Successors, shall and may in all things act in the further Management, carrying on, and Execution of the Purposes and Trusts of the said Act, and with the like Power and Authority, to all Intents and Purposes, as is given by the said Act to the Commissioners and Trustees therein named; and the Clauses and Provisions in the said Act applicable to the Commissioners and Trustees therein named shall extend and be applicable to the said Commissioners for the Time being of the said Court, in the further Execution of the Purposes and Trusts of the said Act.

Building for the Transaction of Business in Bankruptcy in *London* vested in the Commissioners of the Court of Bankruptcy for the Time being, appointed under 1 & 2 W. 4. c. 56. 1 & 2 G. 4. c. 115.

LXXII. And be it enacted, That the Building erected on the said Piece or Parcel of Ground shall from and after the passing of this Act be called the Court of Bankruptcy.

The Building to be called the Court of Bankruptcy.

LXXIII. And be it enacted, That the Registrar of the Court of Bankruptcy for the Time being acting at the said Court in *Basinghall Street* shall keep Books in which he shall enter, in a Form to be prepared by him, subject to the Sanction of the Commissioners of the Court of Bankruptcy acting in the City of *London*, as aforesaid, or the major Part of them, and approved of by the Lord Chancellor, an Abstract of the Proceedings filed in the Court of Bankruptcy, or such Part thereof as shall be necessary to give a correct

Registrar to enter in Books an Abstract of all Proceedings filed in the Court, in a Form to be sanctioned by the Commissioners of the Court of Bankruptcy in *Lon-*

don, and approved by the Lord Chancellor, with an Alphabetical Index.

correct View of the Estate to which such Proceedings shall relate, and the Management thereof, with an Alphabetical Index to each Book, and a General Alphabetical Index to the whole of such Books, which Books shall be open to all concerned.

Office of Clerk of Enrolments to Court of Bankruptcy on Vacancy, to be abolished, and the Duties to be performed by Registrar in Basinghall Street.

LXXIV. And be it enacted, That as and when any Vacancy may occur by the Death, Removal, or Retirement of the Clerk of Enrolments to the Court of Bankruptcy, such Vacancy shall not be supplied, but the Duties and Business of such Officer shall thenceforth be performed by the Registrar of the Court of Bankruptcy acting in *Basinghall Street* as aforesaid, who shall, with respect to such Duties and Business, stand and be in the Place of such Officer to all Intents and Purposes whatsoever.

Registrar to pay Fees for entering Fiats, &c. of Record into the Bank of England.

2 & 3 W. 4.
c. 114. s. 6.

LXXV. And be it enacted, That all such Fees as are receivable by virtue of an Act passed in the Second and Third Years of the Reign of His late Majesty, intituled *An Act to amend the Laws relating to Bankrupts*, and directed to be applied as therein mentioned, shall, from and after the Death, Removal, or Retirement of the said Clerk of Enrolments, be received by the said Registrar for the Time being acting in *Basinghall Street* as aforesaid, and be paid by him, at such Times as the Lord Chancellor shall by any Order direct, into the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to the Account intituled "The Secretary of Bankrupts Account," and shall be applicable to all the Purposes of the said Account, and be subject to the like Orders as other Monies paid or directed to be paid in to the said Account.

Salaries to Judge, Commissioners, and other Officers of the Court of Bankruptcy, to be paid out of the Fund intituled "The Secretary of Bankrupts Account."

LXXVI. And be it enacted, That out of the Fund placed to the Credit of the Accountant in Bankruptcy, intituled "The Secretary of Bankrupts Account," there shall be paid, by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the Lord Chancellor to be from Time to Time made for that Purpose without any Draft from the Accountant in Bankruptcy, the several Salaries herein-after mentioned; that is to say, the net yearly Sum of Two thousand five hundred Pounds to Sir *John Cross* Knight, Judge of the Court of Bankruptcy, and his Successors in the Office of such Judge; the net yearly Sum of Two thousand Pounds to each Commissioner of the said Court appointed under the said recited Act, and acting in the Prosecution of Fiats in Bankruptcy in the City of *London*, and his Successors in the Office of such Commissioner; the net yearly Sum of One thousand eight hundred Pounds to each Commissioner of the said Court to be appointed under this Act to act in the Prosecution of Fiats in Bankruptcy in the Country, and his Successors in the Office of such Commissioner; the net yearly Sum of One thousand Pounds to each Registrar of the said Court appointed under the said recited Act, and his Successors in such Office; the net yearly Sum of Eight hundred Pounds to each Deputy Registrar of the said Court appointed under the said recited Act, and acting as such in the City of *London*, and his Successors in such Office; and the net yearly Sum of Six hundred Pounds to each Deputy Registrar of the said Court to be appointed

appointed under this Act to act as such in the Country, and his Successors in such Office; which Salaries shall be free from all Taxes, Deductions, and Abatements whatsoever out of the same, or any Part thereof, except the Tax on Income, and shall be paid quarterly, 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; and the First of such Payments to the said Judge, and each Commissioner, Registrar, and Deputy Registrar, acting in *London* as aforesaid, or a proportionate Part thereof, to be computed from the Time of the passing of this Act, or, as to any such Officer appointed after the passing of this Act, from the Time of his Appointment, shall be made on such of the same Days of Payment as shall first happen after the passing of this Act, or Date of the Appointment of such Officer, as the Case may be; and the First of such Payments to each Commissioner and Deputy Registrar to be appointed under this Act to act in the Country as aforesaid, or a proportionate Part thereof, to be computed from the Time of the Appointment of such Commissioner and Deputy Registrar respectively, shall be made on such of the same Days of Payment as shall first happen after the Date of such Appointment; and that upon the Resignation, Death, or Removal from Office of any such Judge, Commissioner, Registrar, or Deputy Registrar respectively, such Judge, Commissioner, Registrar, and Deputy Registrar respectively, or their respective Executors and Administrators, as the Case may be, shall be paid such proportionate Part of their respective Salaries aforesaid as shall have accrued from the Times of the Commencement of such Salaries respectively, or from the last quarterly Day of Payment thereof to the Time of such Resignation, Death, or Removal from Office; and that the succeeding Judge, Commissioner, Registrar, and Deputy Registrar respectively shall be paid such proportionate Part of their respective Salaries as shall be accruing or shall accrue from the Day of the Resignation, Death, or Removal from Office of the preceding Judge, Commissioner, Registrar, or Deputy Registrar respectively.

LXXVII. And be it enacted, That it shall be lawful for the Lord Chancellor, by any Order or Orders of the Lord Chancellor to be made from Time to Time on a Petition presented to him for that Purpose, to order (if he shall so think fit) to be paid out of the Interest and Dividends that have arisen or may arise from the Securities now or hereafter to be placed in the Bank of *England* to the Account intituled "The Bankruptcy Fund Account," (but subject and without Prejudice to the Payment of all Salaries and Sums of Money by any Act or Acts now in force directed or authorized to be paid thereout,) the Annuities following; that is to say, an Annuity or clear yearly Sum of Money not exceeding One thousand five hundred Pounds to Sir *John Cross* Knight, Judge of the Court of Bankruptcy, or any of his Successors in the Office of such Judge; an Annuity or clear yearly Sum of Money not exceeding One thousand two hundred Pounds to any Commissioner of the Court of Bankruptcy appointed under the said recited Act, or any of his Successors in the Office of such Commissioner; an Annuity or clear yearly Sum of Money not exceeding One thousand

Power to Lord Chancellor to order Retiring Annuity to Judge and Commissioners of the Court of Bankruptcy and their Successors.

Pounds to any Commissioner of the Court of Bankruptcy to be appointed under this Act, or any of his Successors in the Office of such Commissioner, if and when any such Judge or Commissioner shall be afflicted with some permanent Infirmary disabling him from the due Execution of his Office, and shall be desirous of resigning the same; and the Annuity or clear yearly Sum mentioned in any such Order shall be paid by the Governor and Company of the Bank of *England* out of the Interest and Dividends of the said Securities (but subject and without Prejudice as aforesaid) by equal quarterly Payments on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, to such Judge or Commissioner from the Period when he shall resign his said Office, for the Term of his Life, free from Taxes, except the Tax on Income.

Provision for Salary of Accountant in Bankruptcy; for Appointment of such additional Clerks to such Accountant, or to the Registrar, as the Lord Chancellor may think fit;

and also for Expences to be incurred for the Purposes of the Act.

LXXVIII. And be it enacted, That out of the Interest and Dividends that have arisen or may arise from the Government or Parliamentary Securities now or hereafter to be placed in the Bank of *England* to the said Account intituled "The Bankruptcy Fund Account," there shall be paid by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the Lord Chancellor, to be made from Time to Time for that Purpose, the Salaries and Sums following; that is to say, to the Accountant in Bankruptcy, such Sum by way of Salary as the Lord Chancellor shall direct, not exceeding the yearly Sum of One thousand five hundred Pounds, to be paid and payable in like Manner and at such Times as the Salary heretofore payable to the Accountant in Bankruptcy, and such further annual Sum as the Lord Chancellor shall think reasonable for the Payment of such Salaries as the Lord Chancellor shall direct to the Clerks for the Time now being, and their Successors, and to such additional Clerks to such Accountant or to the Registrar of the Court of Bankruptcy acting at the said Court in *Basinghall Street*, as the Lord Chancellor shall deem fit to appoint, and Authority is hereby given to the Lord Chancellor to appoint such Clerks, and to reduce or increase the Number of Clerks to the said Accountant or Registrar as Occasion may be or require, the same Salaries to be paid quarterly on such Days and in such Manner as the Lord Chancellor shall by any Order in that Behalf direct, and also, to such Persons as the Lord Chancellor shall direct, such Sum or Sums of Money as the Lord Chancellor shall think reasonable, for Expences to be incurred at any Time after the passing of this Act, with the Sanction and Approval of the Lord Chancellor, in providing and keeping in repair Courts in the Country with necessary Appurtenances for the Purposes of this Act, or in Alterations or Improvements of the Offices of the said Accountant and of the Registrars of the Court of Bankruptcy, or any other of the Offices of the same Court, for the Purpose of rendering the same fit for the convenient Reception and Despatch of the Business of such Offices, and for the convenient Occupation of the Officers of the said Court, and for the Supply of Law Books for the Use of the said Court, or generally for such Expences in carrying this Act into effect as the Lord Chancellor may think fit; and also such annual Sum or Sums of Money as the Lord Chancellor shall think reasonable for the Rent

of any Buildings or Rooms which by any Order of the Lord Chancellor may be taken for any Officers of the said Court, or otherwise for the Use of the said Court, and for keeping up a necessary Supply of Books for the Use of the said Court; and the several Courts which shall be provided by virtue of this Act, with the Appurtenances and Effects belonging thereto, shall vest in the respective Commissioners to be appointed under this Act for the Time being, forming such respective Courts, and their Successors in such Office, in Trust for the Purposes of this Act; and there shall be charged to and paid out of the Estate of the Bankrupt under every Fiat prosecuted in the Country, for every Sitting under such Fiat, the Sum of Ten Shillings, by way of Charge for the Use of the Court, such Charge to be received and accounted for and paid into the Bank of *England* to the Account intituled "Interest arising from the Bankruptcy Fund Account," at such Time and in such Manner as the Lord Chancellor shall from Time to Time direct, and such Charge to be subject to Abolition or Reduction as the Lord Chancellor may in his Discretion think fit, having regard from Time to Time to the Amount of the Interest and Dividends arising from the Bankruptcy Fund Account, and the Charges thereupon.

The Courts provided for the Purposes of this Act to vest in the respective Commissioners.

Charge for the Use of the Court.

LXXIX. And be it enacted, That every Warrant issued by any Court authorized to act in the Prosecution of Fiats in Bankruptcy shall be under the Hand and Seal of One of the Commissioners acting in the Prosecution of Fiats in Bankruptcy in such Court; and every Summons issued by any such Court shall be in Writing under the Hand of One of such Commissioners.

Warrants to be under Hand and Seal, and every Summons to be in Writing under the Hand of a Commissioner of the Court.

LXXX. And be it enacted, That if in any Case it shall be shown by Affidavit to the Satisfaction of the Court authorized to act in the Prosecution of any Fiat in Bankruptcy, by which a Summons shall have been issued, that the Party to whom such Summons is directed is keeping out of the Way, and cannot be personally served with such Summons, and that due Pains have been taken to effect such personal Service, it shall be lawful for the Court by which such Summons shall have been issued to order, by Endorsement upon such 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 Party, 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 a Copy of such Summons had been delivered to the Party in Person.

How Summons may be served where the Party is keeping out of the Way.

LXXXI. And be it enacted, That any Bankrupt or other Person who shall, upon any Examination upon Oath or Affirmation before the Court authorized to act in the Prosecution of any Fiat in Bankruptcy, or in any Affidavit, or Deposition, or solemn Affirmation, authorized or directed by this or any other Act relating to Bankrupts, wilfully and corruptly give false Evidence, or wilfully and corruptly

Punishment of Persons giving false Evidence, or swearing or affirming any thing which shall be false.

ruptly swear or affirm any thing which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

Application of Forfeitures.

LXXXII. And be it enacted, That all Sums of Money forfeited under this Act, or by virtue of any Conviction for Perjury committed in any Oath hereby directed or authorized, may be sued for by the Assignees of the Estate and Effects of any Bankrupt in any of Her Majesty's Superior Courts of Record, and the Money so recovered (the Charges of Suit being deducted) shall be divided among the Creditors.

Charges of Auctioneers, Appraisers, Valuers, and Accountants, to be settled by the Court.

LXXXIII. And be it enacted, That all Bills of Charges, Fees, and Disbursements of any Auctioneer, Appraiser, Broker, Valuer, or Accountant employed by any Assignee or Messenger or Bankrupt under any Fiat in Bankruptcy, for Business done under such Employment, shall be settled by the Court authorized to act in the Prosecution of such Fiat, and the Amount of the Bills so settled, and no more, shall be paid to or recoverable by such Auctioneer, Appraiser, Broker, Valuer, or Accountant.

Power to Lord Chancellor to order Retiring Pension to Accountant in Bankruptcy, Registrars, &c.

LXXXIV. And be it enacted, That it shall be lawful for the Lord Chancellor, by any Order or Orders of the Lord Chancellor, to be made from Time to Time on a Petition presented to him for that Purpose, to order (if he shall think fit) an Annuity or clear yearly Sum of Money to be paid to any Person executing the Office of Accountant in Bankruptcy, or of Registrar or Deputy Registrar under the said recited Act or this Act, not exceeding Two Third Parts of the yearly Salary which such Person shall under this Act be entitled to at the Time of presenting such Petition, to be paid out of the Interest and Dividends that have arisen or may arise from the Securities now or hereafter to be placed in the Bank of *England* to the Account intituled "The Bankruptcy Fund Account," (but subject and without Prejudice as aforesaid,) if and when such Person shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, and shall be desirous of resigning the same; and the Annuity or yearly Sum mentioned in such Order or Orders shall be paid by the Governor and Company of the Bank of *England*, out of the Interest and Dividends of the said Securities, (but subject and without Prejudice as aforesaid,) by equal quarterly Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, to such Person, from the Period when he shall resign his said Office, for the Term of his Life, free from Taxes, except the Tax on Income.

Courts acting in the Prosecution of Fiats in Bankruptcy to be auxiliary to each other for Proof of Debts and Examination of Witnesses.

LXXXV. And be it enacted, That the several Courts authorized to act in the Prosecution of Fiats in Bankruptcy by the said recited Act or by this Act shall be auxiliary to each other for Proof of Debts, and for the Examination of Witnesses on Oath, or for either of such Purposes; and the Court so acting as auxiliary in the Prosecution of any Fiat in Bankruptcy in the Examination of Witnesses shall possess the same Powers to compel the Attendance of and to examine Witnesses, and to enforce both Obedience to such Examination and the
Production

Production of Books, Deeds, Papers, Writings, and other Documents, as are possessed by the Court to which such Fiat is directed: Provided always, that all such Examinations of Witnesses shall be taken down in Writing, and shall be annexed to and form Part of the Proceedings under such Fiat, and that no such Proof of Debts or Examination of Witnesses in the Prosecution of any Fiat shall be taken by any such auxiliary Court without the Permission in Writing of the Court to which such Fiat is directed.

LXXXVI. And whereas the Business in Bankruptcy is liable to Fluctuation: And whereas some One or more of the Commissioners or Deputy Registrars of the Court of Bankruptcy appointed or to be appointed by virtue of the said recited Act or of this Act may occasionally from Illness or other reasonable Cause be absent, and it is expedient to make Provision for such Circumstances; be it enacted, That it shall be lawful for the Lord Chancellor (as Occasion may require, and for such Time as the Lord Chancellor shall think fit to allow,) to authorize any One or more of the Commissioners or Deputy Registrars respectively of the Court of Bankruptcy, appointed or to be appointed by virtue of the said recited Act, or other Person having the like Qualification as is required by the said recited Act for a Commissioner or Deputy Registrar of the said Court, to act in any District in the Country, for or in aid of any One or more of the Commissioners or Deputy Registrars respectively of the Court of Bankruptcy to be appointed by virtue of this Act, and so *vice versâ*; and it shall also be lawful for the Lord Chancellor (as Occasion may require, and for such Time as the Lord Chancellor shall think fit to allow,) to authorize any One or more of the Commissioners or Deputy Registrars respectively to be appointed by virtue of this Act, and authorized to act under the Provisions of this Act in any One District in the Country, to act for or in aid of any One or more of the Commissioners or Deputy Registrars respectively to be appointed by virtue of this Act, and authorized to act in any other District in the Country; and that any Commissioner or Deputy Registrar respectively of the said Court, or other Person so acting as aforesaid, shall have all the Power, Jurisdiction, and Authority, and perform all the Duties of the Commissioner or Deputy Registrar respectively for or in aid of whom such Commissioner or Deputy Registrar shall so act.

Lord Chancellor may authorize any Commissioner or Deputy Registrar of the Court in London, or other qualified Person, to act for or in aid of any Country Commissioner or Deputy Registrar, and vice versa; or any Country Commissioner or Deputy Registrar of one District to act for or in aid of any Country Commissioner or Deputy Registrar of any other District, as may be required.

LXXXVII. Provided always, and be it enacted, That any Commissioner or Deputy Registrar of such Court, or other Person so acting for or in aid of any Commissioner or Deputy Registrar thereof, shall have paid to him (and in the Case of a Commissioner or Deputy Registrar so acting, in addition to his Salary as such Commissioner or Deputy Registrar,) by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the Lord Chancellor, to be made from Time to Time for that Purpose, out of the Interest and Dividends that have arisen or may arise from the said Securities now or hereafter to be placed in the Bank of *England* to the said Account intituled "The Bankruptcy Fund Account," (but subject and without prejudice as aforesaid,) such Sum of Money, in the Case of any Commissioner or Deputy

Travelling Expences, &c. of Commissioners, to be paid out of "The Bankruptcy Fund Account," and the Amount thereof to be in the Discretion of the Lord Chancellor.

Registrar so acting, for travelling and other Expences, and in the Case of any other Person so acting, for Services, travelling and other Expences, as the Lord Chancellor shall deem fit.

Secretary of Bankrupts to receive and account for a certain Fee.

LXXXVIII. And be it enacted, That it shall be lawful for the Lord Chancellor's Secretary of Bankrupts for the Time being and his Clerks, and he and they are hereby respectively authorized and required, to receive and take the Fee or Sum of Two Shillings and Sixpence for every certified Copy of Declaration of Insolvency, and the Amount to be so received shall be by the said Secretary carried to the Account of the First Schedule of Fees annexed to the said recited Act, and be applied to the Purposes of the said Schedule.

Fees to be taken and accounted for by the Chief Registrar.

LXXXIX. And be it enacted, That it shall be lawful for the Chief Registrar of the Court of Bankruptcy for the Time being, and his Clerks, and he and they are hereby respectively authorized and required, to receive and take the several Fees and Sums set forth in the Schedule of Fees hereto annexed, in respect of the Business therein specified, which shall be transacted in *London*, and the Amount to be so received shall be by him accounted for and applied in Payment of such Salaries and Sums of Money to Clerks, Ushers, and other under Officers of the Court of Bankruptcy in *London* as the Lord Chancellor may from Time to Time direct and appoint, and the yearly Surplus (if any) of such Monies shall be divided between the Two Registrars and the Deputy Registrars of the said Court acting in *London* in such Proportions as the Lord Chancellor shall appoint.

Fees to be taken and accounted for in the Country District Courts.

XC. And be it enacted, That there shall be received and taken in the several Courts authorized to act in the Prosecution of Fiats in Bankruptcy in the Country the several Fees and Sums in the said Schedule of Fees hereto annexed, in respect of the Business therein specified which shall be transacted in the Country; and that all such Fees shall be accounted for and paid over to the Chief Registrar of the Court of Bankruptcy acting in *London*, and shall be by him accounted for and applied in Payment of such Salaries and Sums of Money to Ushers and other under Officers of such Courts in the Country as the Lord Chancellor may from Time to Time direct and appoint, and the yearly Surplus (if any) of such Monies shall be divided between the several Deputy Registrars of such Courts in the Country in such Proportions as the Lord Chancellor shall appoint.

Power to Lord Chancellor to reduce Fees.

XCI. Provided always, and be it enacted, That the Lord Chancellor shall have the like Power to abolish or reduce the Fees mentioned in the said Schedule of Fees hereunto annexed, and to provide for the Salaries and Sums hereby made payable out of the said Fees, as he now has to abolish or reduce the Fees mentioned in the Second Schedule of Fees annexed to the said recited Act and to provide for the Salaries and Sums by the said recited Act, made payable out of the said last-mentioned Fees; and it is hereby further provided, that on or before the First Day of *March* One thousand eight hundred and forty-four 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 Chief Registrar of the Court of Bankruptcy for the Time being a Return, made up to the Thirty-first Day of *December* then last, of the total Amount of Fees received by or accounted for to him under the Provisions of this Act, and of the Application of such Fees, and a like Return shall be afterwards made annually at the same Period for the then preceding Year up to the Thirty-first Day of *December* then last.

XCII. And be it enacted, 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 following Officers the following Returns; that is to say, by the Accountant in Bankruptcy, a Return showing the total Amount of Monies paid into the Bank of *England* to the Credit of the Accountant in Bankruptcy and of every Bankrupt's Estate during the Year preceding and up to the Thirty-first Day of *December* in that Year, and also the total Amount of Monies paid out under every Bankrupt's Estate during the same Period by Orders of Court or of any Judge or Commissioner of the Court of Bankruptcy, and also the Balances on the said Thirty-first Day of *December* in the Bank of *England* standing to the Credit of the Accountant in Bankruptcy and of every Bankrupt's Estate; and by every Official Assignee, whether appointed under the Provisions of the said recited Act or of this Act, a Return showing the total Amount of his Receipts and Payments as such Official Assignee during the Year preceding and up to the Thirty-first Day of *December* in that Year upon every Estate under his Charge as such Official Assignee, and also the Balances appearing in or by the Books of such Official Assignee to be then in the Bank of *England* standing to the Credit of the Accountant in Bankruptcy and of every such Estate, and also the Balances of every such Estate then in the Hands or under the Power or Control of such Official Assignee, and also the several Sums allowed to such Official Assignee for Remuneration and for petty Expences under every such Estate, such last-mentioned Return to be certified by the Court to which such Official Assignee shall be attached, and both such Returns to be subject to such further Regulations as to the Form of the same or otherwise as the Lord Chancellor shall from Time to Time think fit to make.

Returns to be made to Parliament annually by Accountant in Bankruptcy and by Official Assignees.

XCIII. And be it enacted, That the Words and Expressions herein-after mentioned, which in their ordinary Signification have a more confined or a different Meaning, shall in this Act, except where the Nature of the Provision or the Context of the Act shall exclude such Construction, be interpreted as follows; that is to say, the Words "Her Majesty" shall mean also and include the Heirs and Successors of Her Majesty; and the Words "Lord Chancellor" shall mean also and include the Lord Chancellor, Lord Keeper and Lords Commissioners for the Custody of the Great Seal of the United Kingdom, for the Time being; and the Words "Fiat or Fiats, or Fiat in Bankruptcy or Fiats in Bankruptcy," shall mean also and include any Commission of Bankrupt; and the Word "Month" shall mean a Calendar Month; and the Word "Oath" shall include Affirmation, where

Construction of Act.

where by Law such Affirmation is required or allowed to be taken in place of an Oath; and the Word "Bank of *England*" shall include all Branches thereof; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and Bodies Corporate as well as Individuals; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and that this Act shall extend to Aliens, Denizens, and Women, both to make them subject thereto and to entitle them to all the Benefits given thereby; and that this Act shall not extend either to *Scotland* or *Ireland*, except where the same are expressly mentioned; and that this Act shall be construed in the most beneficial Manner for promoting the Benefit of Creditors of Bankrupts and the Ends hereby intended.

Act may be amended, &c. this Session.

XCIV. And be it enacted, That this Act or any of the Provisions thereof may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

No. 1.

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 _____ Pounds, 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 Statutes relating to Bankrupts, or some or one of them, 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 _____ Pounds, with a Notice thereunder written in the Form prescribed by the Statute in that Case made and provided, purporting to require 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 serve the said *E.F.* with a true Copy of the said Account and Notice.

Sworn, &c.

No 2.

Particulars of Demand, and Notice requiring Payment.

To *E.F.* of _____
 The following are the Particulars of the Demand of the under-
 signed *A.B.* of _____ against you the said *E.F.*, amounting
 to the Sum of _____ Pounds. [*Here copy the Account.*]

Take notice, That I the said *A.B.* hereby require immediate Pay-
 ment of the said Sum of _____ Pounds. Dated this _____ Day
 of _____ in the Year of our Lord

(Signed) *A.B.*

No. 3.

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, to be holden 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 Statute in that Case made and provided, whether or not you admit the Demand of *A. B.* of (who claims of you the Sum of Pounds for a Debt,) or any and what Part thereof, or whether you verily believe that you have a good Defence 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) *J. K.*
Commissioner.

 SCHEDULE (B.)

No. 1.

Admission of Debt by Trader Debtor.

WHEREAS I the undersigned *E. F.* of Court of Bankruptcy, Basinghall Street, London, [or at in the County of] Day of am summoned to appear before this Honourable Court for the Purpose of stating, in manner prescribed by the Statute in that Case made and provided, whether or not I admit the Demand of *A. B.* of (who claims of me the said *E. F.* the Sum of Pounds for a Debt,) or any and what Part thereof, or whether I verily believe that I have a good Defence 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 Pounds, [or in part of the said Sum of Pounds, that is to say, in the Sum of Pounds.]

(Signed) *E. F.*

No. 2.

Deposition by Trader Debtor of Belief of good Answer to Creditor's Demand, or some Part thereof.

E. F. of Court of Bankruptcy, Basinghall Street, London, [or at in the County of] Day of A.D. being sworn, on the Day and Year and at the Place aforesaid, upon his Oath, saith, That he verily believes he has

has a good Defence to the Demand [or to _____ Pounds, Part
of the Demand,] herein-after mentioned of *A.B.* of _____
who claims of the said *E.F.* the Sum of _____ Pounds, for a
Debt alleged to be due and owing from the said *E.F.* to the said
A.B., as stated in the Affidavit of the said *A.B.*, filed in this Honour-
able Court, and bearing Date the _____ Day of _____
Sworn before me,
J.K., Commissioner. (Signed) *E.F.*

SCHEDULE (C.)

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 _____
Pounds.

(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 At-
torney.

SCHEDULE (D.)

Declaration of Insolvency by Trader.

I the undersigned *E.F.* of _____ do hereby declare, That I am
unable to meet my Engagements. Dated this _____ Day
of _____ in the Year of our Lord _____

(Signed) *E.F.*

Witness,
G.H., Attorney of the
Court of _____

SCHEDULE (E.)

The Schedule of Fees.

	£	s.	d.
On filing every Fiat	-	0	1 0
For every Summons of Trader Debtor under this Act	-	0	1 0
On Allowance of every Bond, with Sureties	-	0	5 0
For every Rule or Order Nisi under this Act	-	0	5 0
For every Rule or Order absolute under this Act	-	0	5 0
For every Search Warrant	-	0	5 0
On swearing every Affidavit, except of the Bankrupt or relating to his Certificate	-	0	1 6
For every Order of Court made in any Matter heretofore within the Jurisdiction of the Court of Review	-	1	0 0
For every Certificate of Bankrupt's Conformity	-	0	6 6

On

	£	s.	d.
On entering every Appeal for hearing in the Court of Review	0	2	0
For every Order pronounced by that Court	1	5	0
For every previous Minute of Order	0	2	6
For entering every Matter for hearing in a Subdivision Court	0	1	0
For every Order pronounced there	0	5	0
For Fees on the Trial of every Issue, to be paid by the successful Party	2	0	0
For every Search made in the Court	0	1	0
For filing Affidavits and other Documents	0	1	0
For Copies of Affidavits, Orders, and other Proceedings, per Folio of Ninety Words	0	0	1½
For every Subpcena ad testificandum and other Writ issued out of the Court	0	2	0

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