

credible witness, not being a creditor of such trader, of the petitioning creditor's debt, and of the trading and act of bankruptcy of the person against whom such petition is filed, shall adjudge such person bankrupt; and thereupon it shall and may be lawful for the Court by commission  
5 under seal, to appoint and authorise the Sheriff of the district aforesaid to take and receive possession of all estate, real and personal, of such trader, excepting such as may be by law exempted from attachment, and of all the deeds, books of account and papers of such trader, and to keep the same safely until the same be demanded of him by the official  
10 assignee.

XX. The Court shall in the Commission fix a day and place for the first meeting of the creditors of such bankrupt, which shall be at some convenient place within the district wherein such commission is issued, and the time shall not be less than fourteen days, nor more than thirty  
15 days after the date of the Commission. First meeting appointed.

XXI. The Sheriff shall forthwith give public notice in such newspapers, within the district which the Court shall designate, and also such personal or other notice to any person concerned as the Court shall prescribe, setting forth the issuing of the Commission, and naming the day  
20 and place appointed in such Commission for the meeting of the creditors of the bankrupt; and such Sheriff shall forthwith transmit a similar notice for insertion in the Canada Gazette, which notice shall be in the form in the Schedule (E) to this Act annexed. Notice of first meeting.

XXII. If the Bankrupt shall not (if within the Province at the date  
25 of the Commission,) within twenty-one days after notice of the bankruptcy in the Gazette of Canada or (if out of the Province at the date of the Commission) within four months after such notice, have commenced an action, suit, or other proceeding to dispute the commission, and have prosecuted the same with due diligence and effect, the  
30 Gazette containing such notice shall be conclusive evidence in all cases, civil as well as criminal, against the bankrupt, and in all actions at law or suits in equity, brought by or against the assignee, or by or against any person claiming any right, estate, or interest, by, through, or under the bankrupt, that such person against whom the  
35 Commission issued became a bankrupt before the date and suing forth of the said Commission, and that such Commission was sued forth on the day in which the same is stated in the Gazette to bear date. Publication of commission to be evidence of certain facts.

XXIII. The Sheriff shall, as soon as may be after the issuing of the Commission, demand and receive from the bankrupt and from all other  
40 persons, all the estate in his or in their possession which belongs to such bankrupt, with all the deeds, books of account and papers relating thereto; and the bankrupt shall accordingly deliver to the Sheriff such part of the said estate and other things above specified as may then be within his possession or power, and shall disclose the situation  
45 of such parts thereof as may then be in the possession of any other person or persons, so as to enable the Sheriff to demand and receive the same, and the Commission of Bankruptcy shall be sufficient warrant and authority to the Sheriff to whom it shall be directed, to break open any house, chamber, shop, warehouse or door, or any trunk,  
50 chest, desk, or other thing, in any place where the bankrupt or any of his effects shall be reputed to be, or the Sheriff shall have reasonable Sheriff to take possession of bankrupt's estate.