

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the second year of Her Majesty's Reign, intituled *An Act to provide for the prompt payment of all demands upon the Provincial Treasury*, be and the same is hereby continued for the further term of five years from the first day of April one thousand eight hundred and forty five, and that the Treasurer of the Province be and he is hereby authorized and empowered to continue the agreement at present existing with the said Bank of New Brunswick during the continuance of this Act; Provided always, that no greater rate of Interest than five and one half per cent. be hereafter paid on the said agreement.

2 V. c. 44, continued.

Provincial Treasurer authorized to continue agreement with the Bank of New Brunswick.

*Repealed by*

CAP. XXXI.

*Further Amended by*

*8<sup>th</sup> Vic  
cap 88*

An Act further to amend the Laws relating to Bankruptcy in this Province.

*12<sup>th</sup> cap 45*

Passed 13<sup>th</sup> April 1844.

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

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the fourth section of an Act made and passed in the fifth year of the Reign of Her present Majesty, intituled *An Act relating to Bankruptcy in this Province*; and also the second, fourth and fifth sections of an Act made and passed in the sixth year of the same Reign, intituled *An Act in addition to and in amendment of the Law of Bankruptcy*; and also all other provisions in either of the said recited Acts which may relate to the voluntary Declarations of any person being deemed an Act of Bankruptcy, or that persons owing debts less than five hundred pounds in amount may become Bankrupts, be and the same are hereby repealed: Provided always, that when any Fiat in Bankruptcy may have been struck or granted before the passing of this Act, whether founded on the voluntary Declaration of an alleged Bankrupt or otherwise, proceedings may still be had and continued therein, and by, against or for such alleged Bankrupt, his person, estate or effects, in all respects the same and with the like force and effect to all intents and purposes as if no part of the said recited Acts had been repealed as aforesaid.

Acts 5 V. c. 43,

and 6 V. c. 4, in part repealed.

Proviso for Fiats issued before Act comes into operation.

II. And be it enacted, That when and so soon as the proper Commissioner shall have received any Fiat and Documents as is provided in the said Acts, he shall forthwith endorse thereon the day and hour on which he received the same, and by warrant under his hand and seal shall appoint one fit and proper person to be a Provisional Assignee of the estate and effects of the said alleged Bankrupt, and shall cause a copy of such Fiat to be served on such alleged Bankrupt, if he shall be found within the jurisdiction of such Commissioner, and if not so found, then to be left at the last place of abode or business of the said alleged Bankrupt, or delivered to his wife or some adult member of his family, or agent, together with a notice, setting forth the appointment of the said Provisional Assignee; and in case the said alleged Bankrupt shall, within the period of seven days after such service of the copy of the said Fiat and notice, file with the said Commissioner a Declaration in writing of his dissent to the said Fiat, and desire to contest such alleged Bankruptcy, that then the said Commissioner shall forthwith transmit such Declaration to the Chancellor or Master of the Rolls, who shall proceed to the determination of the question so in contest, as hereinafter directed; and in case the said alleged Bankrupt shall not within the said period of seven days after such service of the copy of the said Fiat and the said notice, file with the said Commissioner such Declaration, or when the said Chancellor or Master of the

Provisional Assignee to be appointed on receipt of Fiat.

Copy of Fiat to be served on alleged Bankrupt who may enter a dissent.

After decision, notice of appointment, &c. to be published.

Rolls