

the superseding of such commission, and by suing, in either portion of the Province, the bail upon the recognizance, if the condition thereof be broken.

Debts may be
disputed.

XL. And be it enacted, That whenever it shall appear to the assignee, or any creditor who shall have proved a debt to the amount of twenty pounds or upwards, that any debt proved under the commission, on an authentic or notarial deed or otherwise, or for any amount, is not justly due in whole or in part, such assignee or creditor may make representation thereof to the Court, and it shall be lawful for the Court to summons before him and examine upon oath any person who shall have so proved as aforesaid, together with the bankrupt, and any person whose evidence may appear to the Court to be material either in support of or in opposition to any such debt, any law, usage or custom to the contrary notwithstanding; and if the Court, upon the evidence given upon both sides, or (if the person who shall have so proved as aforesaid, shall not attend to be examined, having been first duly summoned, or notice having been left at his last place of abode) upon the evidence adduced by the assignee or creditors as aforesaid, shall be of opinion that such debt is not due, either wholly or in part, the Court shall be at liberty to expunge the same, either wholly or in part, from the proceedings.

Conveyances,
&c. protected.

XLI. And be it enacted, That all conveyances and contracts, and other dealings and transactions by and with any bankrupt, *bonâ fide* made and entered into before the date of the commission against him, and all executions against the lands and tenements, goods and chattels of such bankrupt, *bonâ fide* executed and levied, before the date of such commission, shall be valid notwithstanding any act of bankruptcy by him committed; Provided the person so dealing with such bankrupt, or at whose suit or on whose account such execution issued, had not at the time of such conveyance, contract, dealing or transaction, or at the time of the levying such execution, notice of any act of bankruptcy before then committed by such bankrupt.

Payments
protected.

XLII. And be it enacted, That all payments *bonâ fide* made by any bankrupt, or any person on his behalf, before the date of the commission, to a creditor of such bankrupt, such payment not being a fraudulent preference of the creditor, shall be deemed valid notwithstanding any prior act of bankruptcy by such bankrupt committed; and all payments *bonâ fide* made to any bankrupt, before the date of the commission, shall be deemed valid notwithstanding any prior act of bankruptcy by such bankrupt committed; and the creditor shall not be liable to refund the sum to the assignee or the debtor of the bankrupt to make repayment to the assignee, provided they, respectively, had not at the time of such payment notice that such act of bankruptcy had been committed.