

ful cases allow the debtor to take advice of counsel before making admission as aforesaid, and shall so order his proceedings that the debtor shall not unwarily make any admission to his prejudice; and provided also that the Court may allow any sett-off, and strike a fair and equitable balance between the debtor and the estate of the bankrupt; and provided also, that the Court may in its discretion, where part only of a debt is admitted, either act upon such admission, by making an order for payment as aforesaid, or refuse to give effect to such admission, by such order for payment as to the Court may appear advisable. 5

Court may sit any where in the district for the purpose of summoning debtors.

XCI. For the purposes in the *ninetieth* section of this Act provided for, the Court or any Judge thereof acting under commission from the Court, may hold a sitting at any place within the District where such Court exercises jurisdiction, and may appoint a Clerk *ad hoc*, and proceed against the debtors to any bankrupt estate, under the provisions of the said section; and the clerk so appointed shall certify and return to the original Court all the papers and proceedings so had, signed by the Judge, and such further proceedings shall thereupon be had, as if such debtors had been summoned before the original Court. 15

Sections to have all powers.

XCII. Each section of the Court of Bankruptcy shall exercise, use and enjoy all the powers and authority by this Act conferred upon the said Court of Bankruptcy, in like manner and to the like extent as if each such section were an independent Court; and such Courts shall be auxiliary to each other, and all orders, process, and commissions for the examination of witnesses, issuing out of one section, shall, upon being backed with a *fiat* in any other section of the Court of Bankruptcy, be executed with the like effect, as if the same had issued out of the section in which the same is to be executed. 25

Documents &c. authentic.

XCIII. All papers and documents, and all proceedings of record in the Court of Bankruptcy, and all copies of such papers, documents, and proceedings testified under the seal of the Court, shall be deemed authentic, and be received and admitted as evidence, *prima facie*, of the facts therein stated and contained, in all Courts in this Province. 30

Recital.

XCIV. And whereas great injustice frequently happens to travellers, emigrants and other transient persons, by reason of the want of a summary jurisdiction to determine matters in controversy in which they are interested; Be it therefore enacted that it shall and may be lawful, when any one or all the parties to any such controversy is a traveller, emigrant, raftsman or person immediately about to leave the locality where such controversy may then be pending, to sue out from any such commissioner a writ of summons returnable within any time whatever, as may seem reasonable to them under the circumstances, to cause the defendant or defendants to appear before such commissioner, and such commissioner shall proceed, upon the appearance of such defendant, or on his default, to hear, try, and determine such controversy, provided the same relate to the recovery of some sum of money not exceeding fifty pounds, due or claimed to be due by such defendant, by reason of any debt, promise or undertaking, express or implied, or by reason of damages to property or the non-fulfilment of an agreement, and such commissioner shall exercise such jurisdiction which by law govern the summary jurisdiction of Justices of the Peace, and may award execution or distress, as the case may require, for such sum as he shall determine to be due from 45 50

Summary mode in cases where one of the parties is a traveller, &c., and the sum in dispute does not exceed £50.