

months' wages, or labor, to be paid in full to such workman or laborer out of the estate of such bankrupt, and such workman or laborer shall be at liberty to prove under the Commission for any sum exceeding such one month's wages.

Claims for
rent.

XXXVI. Upon due proof of any claim for rent due by the bankrupt, or to become due at the end of the current year, it shall be lawful for the Court to order that, out of the proceeds of the sale of the goods and effects then or lately being in or upon the premises in respect of which such rent is claimed, the landlord be paid in full the rent for one year, either in arrear or for such current year; and the landlord shall be at liberty to prove under the Commission for any sum exceeding such one year's rent. 5 10

Necessaries.

XXXVII. When any bankrupt shall have been indebted, at the date of the Commission to any baker or butcher, for bread or meat, sold and delivered to the bankrupt for the use of his family, it shall be lawful for the Court to order so much as shall be due as aforesaid, for such necessities delivered during the three months immediately preceding the issuing of the Commission, to be paid in full out of the estate of the said bankrupt, and such baker or butcher shall be at liberty to prove under the Commission for any sum exceeding the amount due for the goods so sold and delivered during the three months aforesaid. 15 20

Creditors
having suits
against the
bankrupt.

XXXVIII. No creditor who has brought any action or instituted any suit against any bankrupt in respect of a demand prior to the bankruptcy, or which might have been proved as a debt under the Commission against such bankrupt, shall prove a debt under such Commission, or have any claim entered upon the proceedings under such Commission, without relinquishing such action or suit; and in case such bankrupt shall be in prison or custody, at the suit of or detained by such creditor, he shall not prove or claim as aforesaid without giving a sufficient authority for the discharge of such bankrupt; and the proving or claiming a debt under a Commission by any creditor shall be deemed an election by such creditor, to take the benefit of such Commission with respect to the debt so proved or claimed; Provided that such creditor shall not be liable to the payment to such bankrupt, or the assignee of his estate, of the costs of the action or suit so relinquished by him, and that where any such creditor shall have brought any action or suit against such bankrupt, jointly with any person or persons, his relinquishing such action or suit against the bankrupt shall not affect such action or suit against such other person or persons; provided also that any creditor who shall have so elected to prove or claim as aforesaid, may, if the Commission be afterwards superseded, proceed in the action, as if he had not so elected; and in any bailable action or actions in which a writ of *capias ad respondendum* may issue in Lower Canada, such creditor shall be at liberty to arrest the defendant *de novo*, if he has not put in bail below or perfected bail above in Upper Canada, or bail to the action in Lower Canada, or, if the defendant has put in or perfected such bail, shall have recourse against such bail by requiring, in Upper Canada, the bail below, to put in and perfect bail above, within the first eight days in Term after notice in the *Canada Gazette* of 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. 25 30 35 40 45 50