

aforesaid, and shall not make a deposition in the form hereinbefore required, that he believes he has a good defence, upon the merits, to the residue of the said demand, then, if such trader, as to the sum so admitted, shall not, within twenty-one days next after the fying of such admission, pay or tender and offer to pay to his creditor the sum so admitted, or secure and compound for the same to the satisfaction of the creditor, and as to the residue of such demand, shall not, within twenty-one days after service of such summons, pay, secure or compound for the same to the satisfaction of his creditor, or enter into a bond in such sum and with sufficient sureties as the Court shall approve of, to pay whatever sum shall be recovered in any action which shall have been, or shall thereafter be brought for the recovery thereof, together with such costs as shall be given in that action, every such trader shall be deemed to have committed an act of bankruptcy on the twenty-second day after the service of the summons: Provided a commission of bankruptcy shall issue against such trader within two months from the fying of the the said affidavit of the creditor.

Demand not admitted by trader may be referred to arbitration.

X. In any case when any such trader so summoned as aforesaid, shall upon his said appearance, make a deposition in the form hereinbefore required, that he believes he has a good answer upon the merits to the said demand, or to some, and what part thereof, it shall and may be lawful for the court, on the application of the said trader or of his creditor, acting as aforesaid, to name one arbitrator, for the said trader to name a second, and for the creditor whose claim is disputed to name a third, to arbitrate and adjudge between the parties respectively as to such demand; and in case either the said trader or the creditor shall refuse or neglect to name an arbitrator as aforesaid on his behalf, then the Court shall nominate and appoint such arbitrator, and the award and determination of any two of them, the said arbitrators, shall be final and conclusive, unless the same shall be set aside by the Court of bankruptcy or the Court of Review; and every such trader who shall not within twenty-one days next after the fying in the Court, by such arbitrators of such award and determination, after due notice thereof to the parties, pay or tender and offer to pay to his creditor the amount of the said award or determination if against him, in whole or in part, or secure or compound for the same to the satisfaction of his creditor, every such trader shall be deemed to have committed an act of bankruptcy on the twenty-second day after the fying of such award and determination: Provided a commission of bankruptcy shall issue against such trader within two months from the fying of the said affidavit of the creditor.

Proviso.

Admissions made elsewhere than before the Court.

XI. An admission of any debt, signed by any such trader elsewhere than before the Court of bankruptcy, may be fyled by him or on his behalf, and shall be of the same force and effect to all intents and purposes, as an admission signed by such trader so summoned, as aforesaid, on his appearance, provided there be present some attorney of one of the Superior Courts of this Province, or any Notary Public in and for that part of the Province heretofore called Lower Canada, on behalf of such trader expressly named by him, and attending at his request to inform him of the effect of such admission before he shall sign the same: And provided always, that the said Attorney or Notary do subscribe his name thereto, as a witness to the due execution thereof; and in such attestation declare himself to be an Attorney or Notary, attending on behalf of such trader, and state therein, that he subscribes as such Attorney or Notary: