

VIII. And be it enacted, That when and so soon as the proper Commissioner shall have received any fiat and documents as aforesaid, 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 notice to be personally 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, by which notice the said alleged Bankrupt shall be required within thirty days after service thereof as aforesaid, to surrender and conform to, or dispute the alleged Bankruptcy; and in case the said alleged Bankrupt should within the said period of thirty days file with said Commissioner a declaration in writing of such dissent, 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 should not within the said period of thirty days after service of such notice file with the said Commissioner such declaration, or when the said Chancellor or Master of the Rolls shall have determined and confirmed the said fiat of Bankruptcy, that then the said Commissioner shall as soon as may be thereafter, cause public notice of the said appointment to be published in one or more of the Newspapers of the County, City and County, or District, in which such Commissioner hath jurisdiction, and if there shall be no Newspaper printed in said County, City and County, or District, then in the Royal Gazette of this Province, and shall thereby require all persons indebted to the said Bankrupt by a certain day to be therein expressed, to pay all such sum or sums of money, debts or duties, as they may owe to the said Bankrupt, and deliver up all other property and effects of said Bankrupt in their possession, power or custody to him the said Assignee, and by the same notice shall require all the Creditors of the said Bankrupt who shall or may be resident in this Province, or in any other of Her Majesty's North American Provinces, or in the West Indies, or in the United States of America, within three months of the day of the date of such notice, to deliver in and prove to the satisfaction of the said Commissioner their respective claims and demands whether the same be actually due or to become due against the said Bankrupt; and if it should appear, or if the said Commissioner should have reason to believe that any Creditors of the said Bankrupt reside in any part of the United Kingdom of Great Britain and Ireland, then notice shall be forthwith transmitted for publication in the London Gazette, calling upon such Creditors to appoint an Agent or Agents in this Province, and to deliver and prove to the satisfaction of the said Commissioner their respective claims and demands as aforesaid against the said Bankrupt within three months from the day of the date of the said notice so published in the London Gazette.

IX. And be it enacted, That if such Chancellor or Master of the Rolls shall find the petitioning Creditor's debt or debts, or the general debt or debts due by the said alleged Bankrupt, or the facts and circumstances relied on as constituting the Act or Acts of Bankruptcy, are not sufficiently proved to satisfy the provisions of this Act, that then the said fiat so by him first granted shall thereby be annulled, and all the property and rights of property affected by such fiat shall thereupon revert in the said alleged Bankrupt as fully and completely to all intents and purposes as if the said fiat never had been granted or provisional Assignee appointed.

Commissioner to endorse date of receipt of fiat, and appoint a Provisional Assignee of the Estate.

Notice to be served on the alleged Bankrupt.

Proceedings when dissent by Bankrupt is entered and disallowed, and fiat confirmed.

Appointment of Provisional Assignee to be published, and the Debtors and Creditors called upon to pay and prove amounts due, &c.

If Acts of Bankruptcy, &c. be not sufficiently proved, fiat to be annulled and property to revert in the Bankrupt.