

of the Estates and Effects of Bankrupts, or Master in Ordinary or Extraordinary in the Court of Chancery, or any Commissioner for taking affidavits to be read in the said Supreme Court, or in the United Kingdom of Great Britain and Ireland, or in any other of the British Dominions, before any Judge of any Superior Court, or Mayor or Chief Magistrate of any City, Town, or Borough, attested by a Notary, or in any Foreign Country before a British Minister, Consul or Vice Consul.

Court may take evidence *viva voce* or upon Affidavit.

X. And be it enacted, That it shall be lawful for the several Commissioners authorized to act in the prosecution of any Fiat in Bankruptcy, in all matters within their respective jurisdictions, to take the whole or any part of the evidence, either *viva voce* on oath, or upon affidavits, to be sworn as aforesaid.

Continuance of notices in Newspapers limited.

XI. And be it enacted, That it shall not be necessary to insert any notice in Bankruptcy in any of the Newspapers wherein the same may be required to be inserted by any of the provisions of this Act or of any of the Acts relating to Bankruptcy, oftener than in two successive Newspapers aforesaid, and that the matter of such notice may be made known, and also all adjournments of meetings, by a short memorandum thereof in the same Newspaper in which the first notice was published.

Chancellor or Master of the Rolls on appeals to decide finally and grant or withhold Certificate of discharge.

XII. And be it enacted, That whenever any appeal shall be made to the Chancellor or Master of the Rolls against any decision of any Commissioner, either by the Bankrupt or any Creditor or Creditors of such Bankrupt, the said Chancellor or Master of the Rolls is hereby authorized and required finally to decide on the matter of such appeal, and the said decision of such Commissioner to confirm, or reverse and set aside, and in the latter case to make such decree by granting a Certificate of discharge, absolute or conditional, or altering the one granted, or otherwise, as shall be agreeable to the justice of the case, and as shall be conformable to the Laws then in force relating to Bankruptcy in this Province.

Actions may be continued where Certificate of discharge is withheld.

XIII. And be it enacted, That any Creditor may continue any action or proceed on any judgment which may have been deemed to be waived or suspended by reason of his having proved the same debt for which such action may have been brought, in any case where a Certificate of discharge shall be finally refused the Bankrupt, any thing in the Acts relating to Bankruptcy to the contrary notwithstanding.

Bonds heretofore made by persons applying to be made Bankrupts may be prosecuted.

XIV. And be it enacted, That every Bond, heretofore made and executed by any person or persons, (with his or their sureties,) having applied to be made a Bankrupt under the provisions of the Bankrupt Laws of this Province, may be sued for and recovered with costs of suit in any Court of Record in this Province, in the name of the Officer to whom the same is given, or his successor in office, by order of any Commissioner before whom the prosecution of the Fiat is had, upon the application of any party interested therein, or at the instance of the Commissioner, whenever the costs of such proceedings, including therein the Solicitor's costs, shall be taxed and allowed by the said Commissioner, and when recovered shall be paid and applied by the Register to and among the different parties mentioned in such taxed bill, according to their several interests; provided that no greater sum shall be recovered in the said suit on the said Bond than the aggregate of such taxed bill, nor than the penalty of the Bond; and provided also, that wherever the said expenses can be got from the estate of the Bankrupt in the hands of the Assignee, such Bond shall not be put in suit.

Former oaths of office of Commissioner repealed, and a new form substituted.

XV. And be it enacted, That so much of the Act relating to Bankruptcy in this Province, as relates to the Oath of Office to be made and taken by any Commissioner of Bankruptcy for any County or Counties or City and County in this

+ May 20/45 The n. s. affidavits must be read at the appeal & if necessary the hearing would be adjourned to another time to answer them