

ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

CAP. CXXI.

An Act to alter and amend the Laws relating to Bankrupts. [20th *June* 1809.]

WHEREAS by an Act of Parliament passed in the Forty-sixth Year of the Reign of His present Majesty, intituled, *An Act to amend the Laws relating to Bankrupts*, it is amongst other Things provided, That the striking of a Docket for the Purpose of issuing a Commission, whether any Commission shall have actually issued thereupon or not, shall be deemed Notice of a prior Act of Bankruptcy, for the Purposes of the said Act, if it should appear that an Act of Bankruptcy had been actually committed at the Time of striking such Docket: And whereas the aforesaid Provision in the said Act hath not been attended with the good Effects which were expected therefrom; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act, so far as the same is herein-before recited, shall be and the same is hereby repealed.

46 G. 3. c. 135.

So much of recited Act as declares the striking of a Docket Notice of a prior Act of Bankruptcy, repealed.

II. And be it further enacted by the Authority aforesaid, That in all Cases of Commissions of Bankrupt hereafter to be issued, all Executions and Attachments against the Lands and Tenements, or Goods and Chattels of the Bankrupt, *bonâ fide* executed or levied more than Two Calendar Months before the Date and issuing of such Commission, shall be valid and effectual, notwithstanding any prior Act of Bankruptcy committed by such Bankrupt,

In what Cases Executions and Attachments against the Lands or Goods of Bankrupts levied more than Two

Months before the Commiſſion ſhall be valid.

Bankrupt, in like Manner as if no ſuch prior Act of Bankruptcy had been committed; provided the Perſon, at whoſe Suit ſuch Execution or Attachment ſhall have iſſued, had not at the Time of executing or levying the ſame any Notice of any prior Act of Bankruptcy by ſuch Bankrupt committed, or that he was inſolvent or had ſtopped Payment: Provided always, that the iſſuing of a Commiſſion of Bankrupt, although ſuch Commiſſion ſhall afterwards be ſuperſeded, ſhall be deemed ſuch Notice if it ſhould appear that an Act of Bankruptcy had been actually committed at the Time of iſſuing ſuch Commiſſion.

In what Caſe iſſuing of Commiſſions deemed Notice.

III. And whereas by an Act of Parliament made in the Fifth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act to prevent the committing of Frauds by Bankrupts*, it is amongſt other Things enacted, That before the Creditors of any Bankrupt ſhall proceed to the Choice of Aſſignees of the Bankrupt's Eſtates, the major Part in Value of the ſaid Bankrupt's Creditors then preſent ſhall, if they think fit, direct in what Manner, how and with whom, and where the Monies ariſing by and to be received from Time to Time out of the Bankrupt's Eſtate ſhall be paid in and remain, until the ſame ſhall be divided amongſt all the Creditors as by that Act is directed; to which Rule and Direction every ſuch Aſſignee and Aſſignees afterwards to be choſen are to conform, as often as One hundred Pounds ſhall be got in and received from ſuch Bankrupt's Eſtate, and are thereby indemnified for what they do in purſuance of ſuch Direction of the ſaid Creditors as aforeſaid: And whereas the Creditors of Bankrupts do not in all Caſes avail themſelves of the ſaid Power given them by the ſaid recited Act; And whereas the aforeſaid Direction of the ſaid Act has been in many Inſtances diſobeyed by the Aſſignees of the Eſtates of Bankrupts, who have, notwithſtanding ſuch Direction, kept in their Hands, or employed for their own Benefit, large Sums of Money, Part of the Bankrupt's Eſtates; be it enacted by the Authority aforeſaid, That from and after the paſſing of this Act, if in any Caſe the major Part of the Creditors of any Bankrupt ſhall not before they ſhall proceed to the Choice of Aſſignees of the Bankrupt's Eſtate, direct in what Manner, how and with whom, and where the Monies ariſing from the Bankrupt's Eſtate ſhall be paid in and remain, in purſuance of the Power given to them by the ſaid recited Act, it ſhall be lawful for the Commiſſioners or the major Part of them, and they are hereby required immediately after the Commiſſioners ſhall have proceeded to the Choice of Aſſignees, and at the ſame Meeting, to direct in what Manner, how and with whom, and where the Monies ariſing by and to be received from Time to Time out of the Bankrupt's Eſtate, ſhall be paid in and remain until the ſame ſhall be divided amongſt the Creditors as by the ſaid recited Act is directed; to which Rule and Direction the Aſſignee or Aſſignees of the Bankrupt's Eſtate ſhall conform, as often as One hundred Pounds ſhall be got in and received from ſuch Bankrupt's Eſtate, and ſhall be and are hereby indemnified for what they ſhall do in purſuance of ſuch Direction of the ſaid Commiſſioners as aforeſaid: Provided that it ſhall not be lawful for the Commiſſioners to direct ſuch Monies to be paid into the Hands of the ſaid Commiſſioners or any of them, or of the Solicitor to the Commiſſioners, or into any Banking Houſe or other Houſe of Trade or Buſineſs in which the Commiſſioners or any of them, or the Solicitor to the Commiſſion, are or is intereſted or concerned as a Partner or Partners, or otherwiſe.

5 G. 2. c. 30.

If the Creditors do not direct how the Money ariſing from the Bankrupt's Eſtate ſhall be paid in, the Commiſſioners ſhall give Directions.

To whom ſuch Monies not to be paid.

IV. And

IV. And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, in all Cases in which any Assignee or Assignees of any Bankrupt's Estate shall wilfully retain in his or their Hands, or otherwise employ for his or their own Benefit, any Sum or Sums of Money, Part of the Estates of such Bankrupts, contrary to the aforesaid Direction of the said recited Act passed in the Fifth Year of the Reign of King *George* the Second, or of the aforesaid Direction in this Act contained, he or they shall be charged in his or their Accounts with the Estates of such Bankrupts, with such Sum or Sums of Money as shall be equal to the Amount of Interest computed at the Rate of Twenty Pounds *per Centum per Annum* on all such Sums of Money so retained or employed by him or them, for the Time or Times during which he or they shall have so retained or employed the same, contrary to the said Direction of the said Acts or either of them; and the Commissioners of Bankrupts are hereby required to charge such Assignee or Assignees in their Accounts with such Sum or Sums of Money accordingly.

Assignees disobeying such Directions to be charged 20 per Cent. on the Money retained or employed contrary thereto.

V. And, for the Purpose of ascertaining in what Manner the Money which shall from Time to Time come to the Hands of such Assignee or Assignees has been employed, the Commissioners shall in no Case declare a Dividend upon Admission only of a certain Sum in the Hands of the Assignees, but shall require such Assignee or Assignees to deliver upon Oath a true Statement in Writing of all the Sums of Money received by such Assignee or Assignees, and when received by him or them respectively, and on what Accounts and how employed, and shall examine such Statement and compare the Receipts with the Payments, and ascertain what Balances have been from Time to Time in the Hands of such Assignee or Assignees respectively, and shall enquire for what Reason any Sum appearing to be in the Hands of such Assignee or Assignees ought to be retained, and thereupon shall declare a Dividend on the remaining Sum, specifying in their Order the Sum so allowed to be retained, and the Grounds on which they may conceive it proper that the same should be retained, and not divided amongst the Creditors.

Commissioners not to declare a Dividend till a true Statement in Writing be made upon Oath by the Assignees, &c.

VI. Provided always, and be it further enacted by the Authority aforesaid, That from and after the First Day of *January* One thousand eight hundred and ten, in case any Commission of Bankrupt shall issue against any Person who is or shall be an Assignee of the Estate and Effects of any Bankrupt, and who shall, at the Time of such Commission issuing against him, be indebted to the Estate of the Bankrupt of whose Estate and Effects he was an Assignee, to the Amount of One hundred Pounds or upwards, in respect of Money come to his Hands as such Assignee, and wilfully retained or employed by him for his own Benefit, the Certificate of Conformity which may be obtained by such Assignee so becoming Bankrupt as aforesaid, shall only have the Effect of freeing the Person of such Bankrupt from Arrest and Imprisonment, but the future Estate and Effects of every such Person shall remain liable for so much of his Debt to the Estate of the Bankrupt of whose Estate and Effects he was an Assignee, as shall not be paid by Dividends under the said Commission, together with lawful Interest for the whole Debt, in like Manner as if he had not obtained his Certificate; the Tools of Trade, the necessary Household Goods and Furniture, and necessary Wearing Apparel of such Bankrupt and his Wife and Children, only excepted.

After Jan. 1. 1810, if Assignees become Bankrupt, having 100l. of the Bankrupt's Estate, in what Case their Certificates shall not discharge their future Effects in respect thereof.

Commiſſioners may direct the Money paid in on Bankrupt's Eſtate to be inveſted in Exchequer Bills.

VII. Provided always, and be it enacted, That it ſhall be lawful for the Commiſſioners, upon the Application of the Aſſignees, or of any Five or more of the Creditors who have proved their Debts under the Commiſſion, on Notice given to the Aſſignees of ſuch intended Application, when and as often as it ſhall appear to the ſaid Commiſſioners expedient and beneficial to the Eſtate and Effects of any Bankrupt, that the Money ſo paid in to any Perſon or Perſons as aforeſaid, for the Purpoſe of being divided amongſt the Creditors, or any Money retained to anſwer any Claim which may have been duly entered upon the Proceedings under the ſaid Bankruptcy, or any Dividends ordered to be retained by the Aſſignees, ſhould be laid out at Intereſt, to order and direct that the Whole or any Part of ſuch Money ſhall be inveſted in the Purchaſe of Exchequer Bills for the Benefit of ſuch Creditors and Claimants, and to direct where and with whom ſuch Exchequer Bills ſhall be kept for ſafe Cuſtody, and to cauſe ſuch Exchequer Bills to be ſold when it ſhall appear to them neceſſary and proper, and to direct the Proceeds thereof to be again laid out in the Purchaſe of Exchequer Bills, or to be applied for the Benefit of the Creditors and Claimants, according to their ſeveral Intereſts, as to the ſaid Commiſſioners ſhall ſeem meet, ſubject nevertheleſs to the Authority and Controul of the Lord Chancellor, Lord Keeper, or Lords Commiſſioners for the Cuſtody of the Great Seal.

Sureties and Perſons liable for the Debts of Bankrupts in what Caſes to be permitted to prove under the Commiſſion after having paid ſuch Debts.

VIII. And be it further enacted by the Authority aforeſaid, That in all Caſes of Commiſſions of Bankrupt already iſſued, under which no Dividend has yet been made, or under which the Creditors, who have not proved, can receive a Dividend equally in Proportion to their reſpective Debts without diſturbing any Dividend already made, and in all Caſes of Commiſſions of Bankrupts hereafter to be iſſued, where at the Time of iſſuing the Commiſſion any Perſon ſhall be Surety for or be liable for any Debt of the Bankrupt, it ſhall be lawful for ſuch Surety or Perſon liable, if he ſhall have paid the Debt, or any Part thereof in Diſcharge of the whole Debt, although he may have paid the ſame after the Commiſſion ſhall have iſſued, and the Creditor ſhall have proved his Debt under the Commiſſion, to ſtand in the Place of the Creditor as to the Dividends upon ſuch Proof, and when the Creditor ſhall not have proved under the Commiſſion, it ſhall be lawful for ſuch Surety, or Perſon liable to prove his Demand in reſpect of ſuch Payment as a Debt under the Commiſſion, not diſturbing the former Dividends, and to receive a Dividend or Dividends proportionably with the other Creditors taking the Benefit of ſuch Commiſſion, notwithſtanding ſuch Perſon may have become Surety or liable for the Debt of the Bankrupt after an Act of Bankruptcy had been committed by ſuch Bankrupt, provided that ſuch Perſon had not at the Time when he became ſuch Surety, or when he ſo became liable for the Debt of ſuch Bankrupt, Notice of any Act of Bankruptcy by ſuch Bankrupt committed, or that he was inſolvent, or had ſtopped Payment; provided always, that the iſſuing a Commiſſion of Bankrupt, although ſuch Commiſſion ſhall afterwards be ſuperſeded, ſhall be deemed ſuch Notice; and every Perſon againſt whom any ſuch Commiſſion of Bankrupt has been or ſhall be awarded, and who has obtained or ſhall obtain his Certificate, ſhall be diſcharged of all Demands at the Suit of every ſuch Perſon having ſo paid, or being hereby enabled to prove as aforeſaid, or to ſtand in the Place of ſuch Creditor as aforeſaid, with regard to his Debt in reſpect of ſuch Suretyſhip or Liability, in like Manner to all

Iſſuing of Commiſſion Notice, although afterwards ſuperſeded.

Intents and Purpoſes as if ſuch Perſon had been a Creditor before the Bankruptcy of the Bankrupt for the Whole of the Debt in reſpect of which he was Surety or was ſo liable as aforeſaid.

Debts not payable at the Time of the Bankruptcy may be proved, deducting a Rebate of Intereſt.

IX. And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons who have given Credit, or ſhall at any Time hereafter give Credit to any Perſon or Perſons who is or are or ſhall become Bankrupts, upon good and valuable Conſideration *bonâ fide* for any Money whatſoever, which is or ſhall not be due or payable at or before the Time of ſuch Perſon's becoming Bankrupt, ſhall be admitted to prove ſuch their Debts in like Manner as if the ſame were payable preſently or not at a future Day, and ſhall be entitled to and ſhall have and receive proportional Dividends of ſuch Bankrupt's Eſtate equally with the other Creditors of ſuch Bankrupt, deducting only thereout a Rebate of Intereſt for what they ſhall ſo receive at the Rate of Five Pounds *per* Centum *per* Annum under Commiſſions which have iſſued or ſhall iſſue in *England*, and at the Rate of Six Pounds *per* Centum *per* Annum under Commiſſions which have iſſued or ſhall iſſue in *Ireland*, to be computed from the actual Payment thereof to the Time ſuch Debts would become payable, according to the Terms upon which the ſame were contracted.

In Actions brought by Aſſignees, the Commiſſion and Proceedings under it to be ſufficient Evidence of the Petitioning Creditor's Debt and the Trading and Act of Bankruptcy, unleſs Notice be given that thoſe Matters are to be diſputed.

X. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, in any Action now brought or hereafter to be brought by or againſt any Aſſignee of any Bankrupt, the Commiſſion of Bankrupt, and the Proceedings of the Commiſſioners under the ſame, ſhall be Evidence to be received of the petitioning Creditor's Debt, and of the Trading and Bankruptcy of ſuch Bankrupt, unleſs the other Party in ſuch Action ſhall, if Defendant, at or before the Time of his pleading to ſuch Action, and if Plaintiff, before iſſue joined in ſuch Action, give Notice in Writing to ſuch Aſſignee that he intends to diſpute ſuch Matters or any of them; and where ſuch Notice ſhall have been given, if ſuch Aſſignee ſhall at the Trial prove the Matter ſo diſputed, or the other Party ſhall at the Trial admit the ſame, the Judge before whom the Cauſe ſhall be tried ſhall, if he ſhall ſee fit, grant a Certificate that ſuch Proof or Admiſſion was made upon ſuch Trial, and ſuch Aſſignee ſhall be entitled to the Coſts, to be taxed by the proper Officer, occaſioned by ſuch Notice; and ſuch Coſts ſhall in caſe the Aſſignee ſhall obtain a Verdict be added to his Coſts, and if the other Party ſhall obtain a Verdict ſhall be ſet off or deducted from the Coſts which ſuch other Party would otherwiſe be entitled to receive from ſuch Aſſignee.

The ſame in Suits in Equity by Aſſignees as againſt all other Parties to the Suit.

XI. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, in all Suits in Equity now inſtituted or hereafter to be inſtituted by or againſt any Aſſignee of any Bankrupt, the Commiſſion of Bankrupt, and the Proceedings of the Commiſſioners under the ſame, ſhall be Evidence to be received of the petitioning Creditor's Debt, and of the Trading and Bankruptcy of ſuch Bankrupt, as againſt all the other Parties in ſuch Suit, unleſs ſuch Parties ſome or one of them ſhall, within Ten Days after Rejoinder in the Cauſe, give Notice in Writing to the Aſſignee that they or he intend to diſpute the ſaid trading petitioning Creditor's Debt or Act of Bankruptcy or ſome or one of ſuch Matters, and where ſuch Notice ſhall have been given, if the Aſſignee ſhall prove the Matter ſo diſputed to the Satisfaction of the Court, the Coſts occaſioned

by ſuch Notice, to be taxed by the proper Officer, ſhall, if the Court ſee fit, be paid by the Party or Parties giving ſuch Notice to the Aſſignee, and the Service of ſuch Notice may be proved by Affidavit upon the hearing of the Cauſe:

No Action to be brought againſt Aſſignee for Dividends, but the Remedy to be by Petition to the Lord Chancellor.

XII. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, no Action ſhall be brought by any Creditor or Creditors who have proved or ſhall prove any Debt under any Commiſſion of Bankrupt, againſt the Aſſignee or Aſſignees of the Eſtate of ſuch Bankrupt, for the Amount of any Dividend declared by the Commiſſioners under ſuch Commiſſion; but in all Caſes in which the Aſſignee or Aſſignees of any Bankrupt ſhall refuſe or omit to pay any Dividend declared under any Commiſſion of Bankrupt, it ſhall be lawful for the Creditor or Creditors entitled to the ſame, to petition the Lord Chancellor, Lord Keeper, or Lords Commiſſioners for the Cuſtody of the Great Seal, for Payment thereof; and it ſhall be lawful for the Lord Chancellor, Lord Keeper, or Lords Commiſſioners for the Cuſtody of the Great Seal, on hearing ſuch Petition, not only to order the Payment of ſuch Dividend, but alſo in all Caſes in which it ſhall appear to him or them that the Juſtice of the Caſe ſhall require it, to order Payment of Intereſt for the Time that ſuch Dividend ſhall have been withheld, and of the Coſts of the Application.

Bankrupts in Cuſtody in Execution to be brought before the Commiſſioners to be examined.

XIII. And whereas great Inconveniences have ariſen from the Neceſſity which now exiſts of the Attendance of Commiſſioners of Bankrupt in Priſon to take the Examinations of Bankrupts charged in Execution; be it therefore enacted by the Authority aforeſaid, That every Bankrupt being in Cuſtody at the Time of his or her laſt Examination, although charged in Execution, ſhall be brought before the Commiſſioners to be examined by them, in the ſame Manner as is now practiſed with reſpect to Bankrupts in Cuſtody on Meſne Proceſs, and the Gaoler or Keeper of the Priſon in which ſuch Bankrupt is or ſhall be confined, ſhall be fully indemnified by the Warrant of the Commiſſioners for bringing up ſuch Bankrupt for ſuch Purpoſe.

Proving a Debt under a Commiſſion to be an Election not to proceed againſt the Bankrupt by Action in reſpect of ſuch Debt.

XIV. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, it ſhall not be lawful for any Creditor, who has or ſhall have brought any Action, or inſtituted any Suit againſt any Bankrupt, in reſpect of any Demand which aroſe prior to the Bankruptcy of ſuch Bankrupt, or which might have been proved as a Debt under the Commiſſion of Bankrupt iſſued againſt ſuch Bankrupt, to prove a Debt under ſuch Commiſſion for any Purpoſe whatever, or to have the Claim of a Debt entered upon the Proceedings under ſuch Commiſſion, without relinquiſhing ſuch Action or Suit, and all Benefit from the ſame; and that the proving or ſo claiming a Debt under a Commiſſion of Bankrupt 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 by him: Provided always, that ſuch Creditor ſhall not be liable to the Payment to the Bankrupt or his Aſſignees, of the Coſt of ſuch Action or Suit which ſhall be ſo relinquiſhed by him: And provided alſo, that where any ſuch Creditor ſhall have brought any Action or Suit againſt ſuch Bankrupt jointly with any other Perſon or Perſons, his relinquiſhing ſuch Action or Suit againſt ſuch Bankrupt or Bankrupts ſhall not in

in any Manner affect ſuch Action or Suit againſt ſuch other Perſon or Perſons.

XV. Provided alſo, and be it further enacted, That this Act ſhall not extend to that Part of the United Kingdom of *Great Britain* and *Ireland* which is called *Scotland*. This Act not to extend to Scotland.

XVI. And be it further enacted by the Authority aforeſaid, That all and every Perſon or Perſons who have effected or ſhall effect any Policy or Policies of Inſurance upon Ships, Goods, Wares, Merchandize or other Effects, with any Perſon, as a Subſcriber or Underwriter, who is or are or ſhall become Bankrupt, ſhall be admitted to prove any Loſs to which ſuch Bankrupt is or ſhall be liable in reſpect of his Subſcription to ſuch Policy or Policies, notwithſtanding the Perſon or Perſons effecting ſuch Policy or Policies is not or are not the Perſon or Perſons beneficially intereſted in ſuch Ships, Goods, Wares, Merchandize or other Effects, provided the Perſon really intereſted is not in that Part of the United Kingdom in which the Commiſſion of Bankrupt ſhall have iſſued in the Proceedings under which ſuch Loſs is to be proved. In what Caſe Perſons effecting Policies of Inſurance with Underwriters who become Bankrupts, admitted to prove Loſs.

XVII. And be it further enacted, by the Authority aforeſaid, That it ſhall be competent to any Annuity Creditor of any Perſon againſt whom a Commiſſion of Bankrupt ſhall iſſue after the paſſing of this Act, whether the ſame ſhall be ſecured by Bond or Covenant, or Bond and Covenant, or by whatever Aſſurance or Aſſurances the ſame ſhall be ſecured, and whether there ſhall or ſhall not be or have been any Arrears of ſuch Annuity at or before the Time of the Bankruptcy, to prove under ſuch Commiſſion as a Creditor for the Value of ſuch Annuity, which Value the Commiſſioners ſhall have Power and are hereby required to aſcertain, and the Certificate of every Bankrupt under whoſe Commiſſion ſuch Proof ſhall be or might have been made, ſhall be a Diſcharge of ſuch Bankrupt againſt all Demands whatever in reſpect of ſuch Annuity, and the Arrears and future Payments thereof in the ſame Manner as ſuch Certificate would Diſcharge the Bankrupt with reſpect to any other Debt proved or which might have been proved under the Commiſſion. Annuity Creditors admitted to prove the Value under any Commiſſion.

XVIII. And be it further enacted, That in all Caſes of Commiſſions of Bankrupt heretofore iſſued, and in which the Bankrupts have not obtained their Certificates, and in all Caſes in which Commiſſions of Bankrupt ſhall hereafter be ſued forth, the Signature and Conſent of Three Parts in Five in Number and Value of the Creditors of the Bankrupt or Bankrupts, who ſhall be Creditors for not leſs than Twenty Pounds reſpectively, and who ſhall have duly proved their Debts under the Commiſſion, or ſome other Perſon by them duly authorized thereunto, to the Allowance and Certificate and Diſcharge of the Bankrupt or Bankrupts, ſhall be, to all Intents and Purpoſes, as available for the Benefit of the Bankrupt or Bankrupts as before the paſſing of this Act the Signature and Conſent of Four Parts in Five in Number and Value of ſuch Perſons would have been available; and ſuch Signature and Conſent of Three Parts in Five in Number and Value of ſuch Perſons, ſhall be ſufficient to authorize all Acts to be done by the Lord Chancellor, Lord Keeper, and Lords Commiſſioners of the Great Seal, and the Commiſſioners in ſuch Commiſſions of Bankrupt, and all others, for the Benefit of the Bankrupt or Bankrupts, which under any The Signature and Conſent of Three Parts in Five in Number and Value of the Creditors of the Bankrupt to the Allowance of his Certificate and Diſcharge ſhall be ſufficient to authorize all Acts for his Benefit.

prior Act or Acts of Parliament would have been authorized by the Signature and Conſent of Four Parts in Five in Number and Value of ſuch Perſons.

Bankrupts entitled to Leaſes or Agreements for Leaſes delivering up the ſame to Aſſignees, not liable afterwards for the Rent nor in reſpect of Covenants.

XIX. And be it further enacted, That in all Caſes, in which a Commiſſion of Bankrupt ſhall be ſued forth againſt any Perſon after the paſſing of this Act, and ſuch Perſon ſhall be entitled to any Leaſe or Agreement for a Leaſe, and the Aſſignees ſhall accept the ſame and the Benefit therefrom, as Part of the Bankrupt's Eſtate and Effects, the Bankrupt ſhall not be, or be deemed to be, liable to pay the Rent accruing due after ſuch Acceptance of the ſame as aforeſaid, and after ſuch Acceptance the Bankrupt ſhall not be liable to be in any Manner ſued in reſpect or by reaſon of any ſubſequent Non-obſervance or Non-performance of the Conditions, Covenants, or Agreements therein contained: Provided, that in all ſuch Caſes as aforeſaid, it ſhall be lawful for the Leſſor or Perſon agreeing to make ſuch Leaſe, his Heirs, Executors, Adminiſtrators, or Aſſigns, if the Aſſignees ſhall decline, upon their being required ſo to do, to determine whether they will or will not ſo accept ſuch Leaſe or Agreement for a Leaſe, to apply by Petition to the Lord Chancellor, Lord Keeper, or Lords Commiſſioners of the Great Seal, praying that they may either ſo accept the ſame, or deliver up the Leaſe or Agreement for the Leaſe, and the Poſſeſſion of the Premiſes demiſed or intended to be demiſed, who ſhall thereupon make ſuch Order as in all the Circumſtances of the Caſe ſhall ſeem meet and juſt and which ſhall be binding on all Parties.

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