rules of law in relation to the nature and amount of such share and interest, and the exclusion, discharge, or satisfaction thereof, as the case may be.

Children of women dying domiciled in Scotland to have right of legitim, &c.

7. After the passing of this Act the children of any woman who may die domiciled in Scotland shall have the same right of legitim in regard to her moveable estate which they have according to the law and practice of Scotland in regard to the moveable estate of their deceased father, subject always to the same rules of law in relation to the character and extent of the said right, and to the exclusion, discharge, or satisfaction thereof, as the case may be.

Exempting contracts and certain legal rights from operation of Act.

8. This Act shall not affect any contracts made or to be made between married persons before or during marriage, or the law relating to such contracts, or the law relating to donations between married persons, or to a wife's non-liability to diligence against her person, or any of the rights of married women under the recited Act.

Short title.

9. This Act may be cited as the Married Women's Property (Scotland) Act, 1881.

SCHEDULE.

FORM OF NOTICE PRESCRIBED BY SECTION 4.

Notice is hereby given that on the day of a deed by *A.B.* of *C.* [*designation*] and *E.F.* his wife has been registered in the Register of in terms of the Married Women's Property (Scotland) Act, 1881.

CHAPTER 22.

An Act to amend the Bankruptcy Acts and Cessio Acts with respect to the discharge of Bankrupt Debtors in Scotland, and in certain other respects.

[18th July 1881.]

BE it enacted by the Queen'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, as follows:

Short title.

1. This Act may be cited for all purposes as the Bankruptcy and Cessio (Scotland) Act, 1881.

Extent of Act.

2. This Act shall extend to Scotland only.

Commencement of Act.

3. This Act shall commence to have effect on the first day of January one thousand eight hundred and eighty-two, which date is herein-after referred to as the commencement of this Act.

Interpretation of terms.

4. The expression "the Bankruptcy Acts" means the Bankruptcy (Scotland) Act, 1856, and any Act amending the same.

19 & 20 Vict. c. 79.

The expression "the Cessio Acts" shall include the Act passed in the session of the sixth and seventh years of the reign of His Majesty King William the Fourth, chapter fifty-six, the Sheriff Court (Scotland) Act, 1876, section twenty-six, the Debtors (Scotland) Act, 1880, this Act, and any Act amending the same.

39 & 40 Vict. c. 70. 43 & 44 Vict. c. 34.

The expression "decree of Cessio bonorum" shall include a decree decerning a debtor to execute a disposition omnium bonorum in terms of the Debtors (Scotland) Act, 1880.

The word "sheriff" in this Act and in the Debtors (Scotland) Act, 1880, includes sheriff substitute. 43 & 44 Vict. c. 34.

5. A debtor with respect to whom decree of Cessio bonorum has been pronounced shall be entitled on the expiration of six months from the date of such decree to apply to the sheriff to be finally discharged of all debts contracted by him before the date of such decree; and the provisions of the one hundred and forty-sixth section of the Bankruptcy (Scotland) Act, 1856, with regard to the conditions on which a bankrupt shall be entitled to obtain his discharge on the expiration of six months, twelve months, eighteen months, and two years respectively from the date of sequestration shall, subject to the qualifications herein-after contained, apply to debtors with respect to whom decree of cessio bonorum has been pronounced: Provided, that in applying the provisions of the said section, the date of the decree of cessio bonorum shall be substituted for the date of awarding sequestration; and that it shall not be necessary to convene a meeting of creditors with reference to such discharge, but the consents required shall be given in writing and produced to the sheriff in such application for discharge. Discharge of debtor in Cessio.

A deliverance by the sheriff granting, postponing, or refusing a discharge under this section shall be final and not subject to review.

6. Notwithstanding anything contained in the Bankruptcy Acts, the following provisions shall have effect with respect to bankrupts undischarged at the commencement of this Act, and to bankrupts whose estates may be thereafter sequestrated; that is to say, Restriction on right to discharge in bankruptcy.

(1.) A bankrupt shall not at any time be entitled to be discharged of his debts, unless it is proved to the Lord Ordinary or the sheriff, as the case may be, that one of the following conditions has been fulfilled:

(*a.*) That a dividend or composition of not less than five shillings in the pound has been paid out of the estate of the bankrupt, or that security for payment thereof has been found to the satisfaction of the creditors; or

(*b.*) That the failure to pay five shillings in the pound, as aforesaid, has in the opinion of the Lord Ordinary or the sheriff, as the case may be, arisen from circumstances for which the bankrupt cannot justly be held responsible:

(2.) In order to determine whether either of the aforesaid conditions has been fulfilled, the Lord Ordinary or the sheriff, as the case may be, shall have power to require the bankrupt to submit such evidence as he may think necessary, in addition to the declarations or oaths, as the case may be, made by the bankrupt under sections one hundred and forty and one hundred and forty-seven of the Bankruptcy (Scotland) Act, 1856, and the report made by the trustee under section one hundred and forty-six of the said Act and to allow any objecting creditor or creditors such proof as he may think right: 19 & 20 Vict. c. 79.

(3.) Any deliverance of the Lord Ordinary or sheriff, as the case may be, under this section shall be subject to appeal in the manner provided in sections one hundred and seventy-

19 & 20 Vict. c. 79.

one and one hundred and seventy of the Bankruptcy (Scotland) Act, 1856: Provided always, that the judgment of the Inner House of the Court of Session on any such appeal shall be final and not subject to review:

(4.) In the event of a discharge being refused under the provisions of this section the bankrupt shall at any time, if his estate shall yield or he shall pay to his creditors such additional sum as will, with the dividend or composition previously paid out of his estate during the sequestration, make up five shillings in the pound, be entitled to apply for and obtain his discharge in the same manner as if a dividend of five shillings in the pound had originally been paid out of his estate.

Restriction on right to discharge in Cessio.

7. Notwithstanding anything contained in the Cessio Acts, the following provisions shall have effect in the case of debtors with respect to whom decree of Cessio bonorum has been pronounced; that is to say,

(1.) A debtor shall not be entitled to be discharged of his debts unless it is proved to the sheriff that one of the following conditions has been fulfilled:

(*a.*) That a dividend of five shillings in the pound has been paid out of the estate of the debtor, or that security for payment thereof has been found to the satisfaction of the creditors; or

(*b.*) That the failure to pay five shillings in the pound as aforesaid has in the opinion of the sheriff arisen from circumstances for which the debtor cannot justly be held responsible:

(2.) In order to determine whether either of the foresaid conditions has been fulfilled the sheriff shall have power to require the debtor to submit such evidence as he may think necessary, and to allow any objecting creditor or creditors such proof as he may think right.

(3.) In the event of a discharge being refused under the provisions of this section, the debtor shall at any time, if his estate shall yield or he shall pay to his creditors such additional sum as will, with the dividend previously paid out of his estate during the said proceedings, make up five shillings in the pound, be entitled to apply for and obtain his discharge in the same manner as if a dividend of five shillings in the pound had originally been paid out of his estate.

Discharge of trustee in Cessio.

8. After a final division of the funds the trustee, in a process of cessio, may apply to the accountant in bankruptcy for a certificate that he is entitled to his discharge, and shall lay before him the sederunt book and accounts, with a list of unclaimed dividends, and the accountant may, if he thinks proper, order intimation to be made to the creditors, and shall, if he is satisfied that the trustee has complied with the provisions of the hundred and forty-seventh section of the Bankruptcy (Scotland) Act, 1856, and is otherwise entitled to be discharged, and upon payment of any unclaimed dividends into the account of unclaimed dividends kept in the name of the accountant, grant to the trustee a certificate under his hand to

19 & 20 Vict. c. 79.

that effect, and such certificate shall have to all intents and purposes the effect of a decree of exoneration and discharge by a court of competent jurisdiction.

Provisions for failure of debtor to appear.

9. If the debtor fail to appear in obedience to the citation under a process of Cessio bonorum at any meeting to which he has been cited, and, if the sheriff shall be satisfied that such failure is wilful, he may in the debtor's absence pronounce decree of Cessio bonorum.

Sheriffs may issue warrants in proceedings under 19 & 20 Vict. c. 79. ss. 88, 90, & 91.

10. In any proceedings under the Cessio Acts it shall be competent for the sheriff, for the purpose of securing the attendance and examination of the debtor, or of any person who can give information relative to the debtor's estate, to exercise all the powers and to grant the warrants and commissions which in processes of sequestration he is empowered to exercise or to grant under the eighty-eighth, ninetieth, and ninety-first sections of the Bankruptcy (Scotland) Act, 1856.

If estate large, &c. sheriff may dismiss Cessio.

11. If in any proceedings under the Cessio Acts, where the liabilities of the debtor exceed the sum of two hundred pounds, it shall appear to the sheriff that it is expedient, having regard to the value of the debtor's estate, and the whole circumstances of the case, that the distribution of the estate should take place under the provisions of the Bankruptcy Acts, he shall have power forthwith to award sequestration of the estates which then belong or shall thereafter belong to the debtor before the date of the discharge and declare the estates to belong to the creditors for the purposes of the Bankruptcy Acts; and thereupon the provisions of the said Acts shall apply as if sequestration had been awarded upon a petition for sequestration in terms of section twenty-nine of the Bankruptcy (Scotland) Act, 1856.

The sheriff shall have power to direct that the expenses bonâ fide incurred by a creditor in any proceedings under the Cessio Acts superseded by the awarding of sequestration shall be paid by the trustee in the sequestration out of the readiest funds of the bankrupt.

Shortening inducie in Cessio proceedings.

12. Notwithstanding any law or usage to the contrary, it shall be lawful for the sheriff to appoint any diet of compearance or any meeting or proceeding under the Cessio Acts to be held on an inducie of any number of days not being less than eight.

This provision shall not be held to limit any power now possessed by the sheriff.

Effect of s. 12 of 43 & 44 Vict. c. 34.

13. In section twelve of the Debtors (Scotland) Act, 1880, the word "dwelling-house" shall be held to include shop, counting-house, warehouse, or other premises.

Construction of Act.

14. This Act shall be read and construed together with the Debtors (Scotland) Act, 1880.

CHAPTER 23.

An Act to amend the Law relating to the Official Staff of the Court of Bankruptcy in Ireland. [18th July 1881.]

BE it enacted by the Queen'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, as follows: