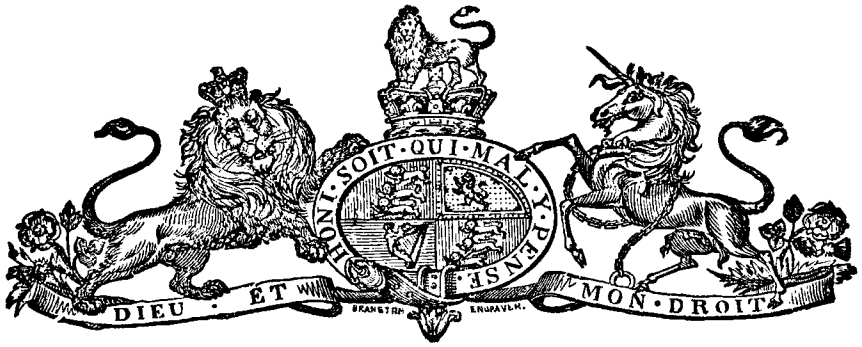


ANNO UNDECIMO

VICTORIÆ REGINÆ.

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CAP. XXI.

An Act to consolidate and amend the Laws relating to Insolvent Debtors in *India*. [9th *June* 1848.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to provide for the Relief of Insolvent Debtors in the* East Indies *until the First Day of* March *One thousand eight hundred and thirty-three:* And whereas a certain other Act was passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to continue until the First Day of* March *One thousand eight hundred and thirty-six an Act of the Ninth Year of His late Majesty, for the Relief of Insolvent Debtors in* India, whereby the said last-mentioned Act was continued in force until the First Day of *March* One thousand eight hundred and thirty-six: And whereas a certain other Act was passed in a Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Insolvent Debtors in* India: And whereas by an Act passed in a Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to continue until the First Day of* March *One thousand eight hundred and thirty-nine, and from thence to the End of the then next Session of Parliament, the* 9 G. 4. c. 73. 2 & 3 W. 4. c. 43. 4 & 5 W. 4. c. 79. 6 & 7 W. 4. c. 47.

several

several Acts relating to Insolvent Debtors in India, the first-mentioned Act, as amended by the said Act of the Session of the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, was continued in force until the First Day of *March* One thousand eight hundred and thirty-nine, and from thence to the End of the then next Session of Parliament: And whereas by a certain other Act of Parliament passed in a Session holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to continue until the First Day of* March *One thousand eight hundred and forty-five, and from thence to the End of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in* India, the said Acts of the Ninth Year of the Reign of King *George* the Fourth, and of the Session of the Fourth and Fifth Years of the Reign of King *William* the Fourth, were continued until the First Day of *March* One thousand eight hundred and forty-five, and from thence until the End of the then next Session of Parliament: And whereas by a certain other Act of Parliament passed in a Session holden in the Ninth and Tenth Years of Her present Majesty, intituled *An Act to continue until the First Day of* March *One thousand eight hundred and forty-seven, and from thence to the End of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in* India, the said Acts of the Ninth Year of the Reign of King *George* the Fourth, and of the Session of the Fourth and Fifth Years of the Reign of King *William* the Fourth, were continued until the First Day of *March* One thousand eight hundred and forty-seven, and from thence to the End of the then next Session of Parliament: And whereas it is expedient to consolidate the Provisions of the said Acts into One Act, and to amend the Laws relating to Insolvent Debtors in *India*: Be it therefore 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,

3 & 4 Vict. c. 80.

9 & 10 Vict. c. 14.

Recited Acts 9 G. 4. c. 73. and 4 & 5 W. 4. c. 79. repealed after 31st July 1848, save as to Acts then done and pending under recited Acts 6 & 7 W. 4. c. 47., 3 & 4 Vict. c. 80., and 9 & 10 Vict. c. 14.

That the said Acts of the Ninth Year of the Reign of King *George* the Fourth, and of the Session of the Fourth and Fifth Years of the Reign of King *William* the Fourth, shall be and the same are hereby continued until the Thirty-first Day of *July* One thousand eight hundred and forty-eight, and that from and after that Day the same, and also the said Act of the Session of the Ninth and Tenth Years of the Reign of Her present Majesty, shall be and stand repealed, save as to all Acts, Matters, and Things which before then shall have been done under the Provisions of the said Three last-mentioned Acts or of any of them, and save as to all Rights, Exemptions, and Discharges whatsoever under and by virtue of any of the said last-mentioned Acts, and save as to all Matters and Things whatsoever under and by virtue of any of the said last-mentioned Acts which shall then be pending in any of the Courts for the Relief of Insolvent Debtors in *India*, or in any other Courts whatsoever, which shall be proceeded with in the like Manner, and have all the like Effects and Consequences, as if the said Acts hereby repealed had been in force, and had been permanently continued by this Act.

Courts established under

II. And be it enacted, That the Courts established under the first of the said recited Acts for the Relief of Insolvent Debtors in the

East Indies shall be continued and shall continue to be Courts of Record, with all the same Powers as heretofore, and each shall continue to be styled "The Court for the Relief of Insolvent Debtors," and to be holden before any One Judge of the Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively, within the respective Limits of the said Towns of *Calcutta*, *Madras*, and *Bombay*, and that all the Officers of the said Courts respectively now established for the Relief of Insolvent Debtors in the *East Indies* shall be, until removed under the Provisions herein-after contained, the Officers of the said Courts hereby continued respectively, and that all Rules and Orders not repugnant to the Provisions of this Act now in force in the said Courts respectively, and all Tables of Fees now in force therein, shall, until the same are varied or repealed, continue in force in like Manner to all Intents and Purposes as if the Acts in force with respect to Insolvent Debtors before this Act comes into operation had been continued by this Act.

9 G. 4. c. 73. for Relief of Insolvent Debtors, continued with the same Powers as heretofore.

III. And be it enacted, That a Court for the Relief of Insolvent Debtors shall be holden once a Month at least throughout the Year, and oftener if need be, in *Calcutta*, and so often as may be found necessary within the Towns of *Madras* and *Bombay*, by any One Judge of the said Supreme Courts of Judicature respectively; and it shall be lawful for each of the said Courts to sit for the Despatch of Business at one and the same Time with the said Supreme Court of its Presidency; and every Advocate and Attorney of the said Supreme Courts at *Calcutta*, *Madras*, and *Bombay* respectively shall be entitled to practise in the way of his Profession in the Court for the Relief of Insolvent Debtors of that Presidency, and no other Persons shall practise as Advocates or Attornies in the said Courts for the Relief of Insolvent Debtors; and the said Supreme Courts of Judicature respectively shall have Power from Time to Time to make Rules to regulate the Proceedings of the Courts hereby continued for the Relief of Insolvent Debtors to be holden within their respective Jurisdictions, and from Time to Time to vary and repeal, in whole or in part, any of the Rules and Orders and any Table of Fees now in force in the said Courts respectively for the Relief of Insolvent Debtors in the *East Indies*, and especially to provide in what Manner Notice shall be given to the Creditors of Parties applying for Relief under this Act, and in what Cases besides those mentioned in this Act Costs may be awarded, and shall prepare and cause to be sealed with their respective Seals a sufficient and proper List of Fees to be charged and received by the Officers of the said Courts for the Relief of Insolvent Debtors of their respective Presidencies, and shall certify under their Seals, and transmit to the President of the Board of Commissioners for the Affairs of *India*, Copies of such Rules and Lists of Fees to be laid before Her Majesty for Her Royal Approbation, Correction, or Revision; and other Copies of the same shall at all Times be fixed in conspicuous Places in the Courts for the Relief of Insolvent Debtors; and no other Fee or Gratuity shall be received or taken by any Officer or Attorney of such last-mentioned Courts, on any Pretence whatsoever, except such as shall be specified in such Lists.

A Court to be holden once a Month at least in Calcutta, and as often as found necessary in Madras and Bombay, by any One Judge of the respective Supreme Courts.

IV. And

Power to Supreme Courts to remove and appoint Officers, and reduce Emoluments, from Time to Time.

IV. And be it enacted, That Her Majesty's Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively shall have Power from Time to Time to remove any of the Officers of the Courts hereby continued as the Courts for the Relief of Insolvent Debtors within their respective Presidencies, and to make such Reductions in the Number and in the Emoluments of such Officers as may be practicable, and to them shall seem fit, and from Time to Time to appoint such Persons as may be necessary to transact the Business of such Courts, and from Time to Time to annul all or any of such Appointments, and to reduce the Number of such Officers in case the Number of the same may be conveniently reduced; and that each of the said Courts hereby continued shall cause to be sealed with the Seal of the said Court all such Records, Proceedings, Documents, and Copies of the same as are hereinafter expressly required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same, as the said Court shall at any Time direct; and that the said Courts respectively may adjourn any of their Sittings from Time to Time, and to such Time as may be requisite, and shall have Power to administer Oaths, or, in the Case of such Persons as shall object on the Ground of any religious or conscientious Scruples to take an Oath, solemn Affirmations, and shall examine all Parties and Witnesses upon Oath or such solemn Affirmation for the Purposes of this Act; and the said Courts respectively shall have the like Powers of issuing Commissions to take Evidence as now are or may be hereafter possessed by the Supreme Courts respectively of their several Presidencies, and shall have the like Powers of compelling the Attendance of the Insolvent and all other Parties at all Times when their Attendance may be deemed requisite by the said Court, and of all Witnesses or any other Persons who may be able to give any Information respecting the Debts, Estates, and Effects of such Insolvent, before the said Courts respectively, or before any Officer of the said Courts respectively, and of requiring and compelling the Production of Books, Papers, and Writings, as now are or may hereafter be possessed by the Supreme Courts respectively of the respective Presidencies, or as are given to Commissioners of Bankrupts by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts;* and each of the said Courts hereby continued for the Relief of Insolvent Debtors shall have Power to order any Prisoner whose Estate shall be vested in any Assignee under the Provisions of this Act, or of any of the Acts herein-before referred to, or any Prisoner who shall be a necessary and material Witness in any Matter pending in the said Court, to be brought before the said Court or Officer as often as shall be requisite, which Order alone shall be a sufficient Authority and Protection to the Gaoler or Officer or Person in whose Custody he may be for the Production of such Prisoner; and each of the said Courts shall have the Power of fining in a summary Way, and of committing until such Fine be paid, or of committing in the first instance without fining, all Persons guilty of Contempt of the said Court, and of fining in a summary Way, and of removing, any of the Officers of the said Courts who shall be guilty of Negligence, wilful or unnecessary Delay, or other

Records, &c. to be sealed with the Seal of the Court.

Power to Court to adjourn Sittings and administer Oaths, &c.

Courts to have the same Power to issue Commissions, and compel Attendance of Insolvents and Production of Books, &c. as are now possessed, or as given to Commissioners of Bankrupt under 6 G. 4. c. 16.

Power to Courts to order Prisoners to be brought up as often as requisite.

other Misconduct: Provided always, that the said Courts for the Relief of Insolvent Debtors shall not have the Power of awarding Costs against any Person, except in Cases in which it is expressly permitted by this Act, or in which it shall be expressly permitted by any Rules which shall be made by the said Supreme Courts respectively as to Costs to be awarded in the said Courts for the Relief of Insolvent Debtors respectively.

Courts not to award Costs except in certain Cases.

V. And be it enacted, That from and after the Time appointed for this Act to take effect any Person who shall be in Prison within the respective Limits of the Towns of *Calcutta*, *Madras*, and *Bombay*, upon any Process whatsoever, for or by reason of any Debt, Damages, Costs, or Money which such Person is solely or jointly with any other liable to pay, or for or by reason of any Contempt of any Court whatsoever for Nonpayment of Money only, or of Costs taxed or untaxed, either ordered to be paid, or to the Payment of which such Person would be liable in clearing such Contempt, or in any Manner in consequence of or by reason of such Contempt, or who shall reside within the Jurisdiction of any of the Supreme Courts at *Calcutta*, *Madras*, and *Bombay* respectively, and, being indebted on account of any such Liability as aforesaid, shall be in insolvent Circumstances, may at any Time apply by Petition to the Court for the Relief of Insolvent Debtors within the Presidency where such Insolvent Debtor shall then be, for the Benefit of the Provisions of this Act, which Petition may be in the Form in the Schedule (A.) to this Act, or the Schedule (B.) to this Act, (as the Case may require,) with such Additions and Variations as may be necessary to adapt it to the particular Case; and such Petition shall be subscribed by the said Prisoner, and shall forthwith be filed in the said Court to which it shall be presented; and if any such Person as aforesaid shall be jointly indebted, it shall be lawful for them to apply jointly by Petition, in such Manner as is herein-before mentioned, and under such joint Petition the joint Estate and the separate Estates of such Petitioners shall be dealt with and distributed.

Persons imprisoned for Debts may petition the Court for Relief according to the Forms in the Schedule to this Act.

VI. And be it enacted, That where any such Petition for Relief as is aforesaid shall be presented by any such Insolvent to the said Court for the Relief of Insolvent Debtors, the Party presenting the Petition, at the same Time, or within such further Time as the said Court may deem reasonable, shall deliver into the Court a Schedule in the Form in the Schedule (C.) to this Act annexed, with such Additions and Variations as may be necessary to adapt it to the particular Case, containing a full and true Description as to all Matters and Things required to be set forth therein, so far as the same can be described or set forth, and the said Schedule shall be subscribed by such Petitioner, and shall forthwith be filed in the said Court.

Party petitioning to deliver in a Schedule in the Form in Schedule (C.)

VII. And be it enacted, That upon the filing of any such Petition as is aforesaid, it shall be lawful for the said Court and the said Court is hereby authorized and required to order that all the Real and Personal Estate and Effects of such Petitioner, whether within the Territories within the Limits of the Charter of the *East India* Company or without, except the Wearing Apparel, Bedding, and other such

Upon filing Petition the Real and Personal Estate of Petitioner to be vested in Official As-

signee as Court shall direct.

such Necessaries of such Petitioner and his Family, and the Working Tools and Implements of such Petitioner and his Family, not exceeding in the whole the Value of Company's Rupees Three Hundred for each Petitioner with his Family, and all Debts due to him, and all the future Estate, Right, Title, Interest, and Trust of the said Petitioner in or to any Real or Personal Estate or Effects within or without the said Territories which such Petitioner may purchase, or which may revert, descend, be devised or bequeathed, or come to him, and all Debts growing due to him before the Court shall have made its Order in the Nature of a Certificate as herein-after mentioned, do vest in the Official Assignee for the Time being of the said Court, and that all Books, Papers, Deeds, and Writings in any way relating to such Petitioner's Estate and Effects in his Possession, or under his Custody or Control, shall be deposited with such Assignee, and such Order shall be entered of Record in the said Court, and such Notice thereof shall be published as the said Court shall direct; and such Order, when so made, shall by virtue of this Act relate back to and take effect from the filing of the said Petition, and shall instantly, and without any Conveyance or Assignment, vest all the Real and Personal Estate, Effects, and Debts as aforesaid in the said Official Assignee, who shall have full Powers for the Recovery thereof, and shall hold and stand possessed of the same for the Purposes and in manner herein-after mentioned: Provided always, that in case, after the making of any such Vesting Order, the Petition of any such Petitioner shall be dismissed by the said Court, such Vesting Order made in pursuance of such Petition shall from and after such Dismissal be null and void to all Intents and Purposes: Provided also, that in case any such Vesting Order as aforesaid shall become null and void by the Dismissal of such Petition, all Acts theretofore done by any Assignee or other Person acting under his Authority according to the Provisions of this Act shall be good and valid, and no Action or Suit shall be commenced against any such Assignee, nor against any Person duly acting under his Authority, except to recover any Property of such Petitioner detained after an Order made by the said Court for the Delivery thereof, and Demand made thereupon; and until the Appointment of an Official Assignee as herein-after is directed the Common Assignee of the Court shall stand and be in the Place of the Official Assignee, and this present Clause shall apply and have effect accordingly.

In case, after making Vesting Order, Petition be dismissed, the same to be null and void; but all Acts done by any Assignee, &c. under this Act to be held valid.

Lying in Prison 21 Days for Debt shall be deemed an Act of Insolvency, on which Creditor may petition.

VIII. And be it enacted, That from and after the Time appointed for this Act to take effect, if any Person who shall be in Prison within the respective Limits of the Towns of *Calcutta*, *Madras*, and *Bombay*, charged in execution for any Debt or Damages, or any Costs or Sum or Sums of Money, or committed for or by reason of any Contempt of any Court whatsoever for Nonpayment of Money, or of Costs taxed or untaxed, either ordered to be paid, or to the Payment of which such Person would be liable in clearing such Contempt, or in any Manner in consequence or by reason of such Contempt, shall not, within Twenty-one Days next after such Prisoner shall have been so charged in execution or committed as aforesaid, make Satisfaction to the Creditor or Creditors at whose Suit such Prisoner shall have been so charged in Execution, or committed for such Debt,

Damages, Costs, Sum or Sums of Money, or to the Person or Persons entitled to the Money for Nonpayment of which such Prisoner shall have been in Contempt, or to the Payment of which such Prisoner would be liable in consequence or by reason of such Contempt, then and in any of the said Cases it shall be lawful for any such Creditor or Creditors, or Person or Persons entitled to such Money as aforesaid, to present a Petition to the Court for the Relief of Insolvent Debtors of the Presidency within which such Person shall have been so imprisoned, which Petition may be in the Form No. 1. in the Schedule (D.) to this Act annexed, with such Additions or Variations as may be necessary to adapt it to the particular Case; whereupon, and upon such Petition being duly verified, it shall be lawful for the Court to adjudge that such Prisoner has committed an Act of Insolvency: Provided always, that it shall be lawful for the said Court, upon the Petition of any Person adjudged to have committed an Act of Insolvency as aforesaid, and upon Proof of Notice to the Creditor or Creditors upon whose Petition such Adjudication shall have been made, to revoke or confirm such Adjudication.

Court may, upon Petition, revoke or confirm Adjudication.

IX. And be it enacted, That if any Person who, by an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts*, or an Act passed in the Session held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for the Amendment of the Law of Bankruptcy*, or any other Act now in force or hereafter to be passed, would be deemed a Trader liable to become Bankrupt, having been arrested or committed to Prison for Debt, or for or by reason of any Contempt of any Court whatsoever, for Nonpayment of Money only, or of Costs taxed or untaxed, either ordered to be paid, or to the Payment of which such Person would be liable in clearing such Contempt, shall, upon such or any other Arrest or Commitment for Debt or Nonpayment of Money or Costs as aforesaid, lie in Prison Twenty-one Days, or, having been arrested or committed to Prison for any other Cause, shall be in Prison for Twenty-one Days after any Detainer for Debt, Nonpayment of Money or Costs as aforesaid, lodged against him and not discharged, or if any such Person shall depart from within the Limits of the Jurisdiction of any of the said Supreme Courts with Intent to defeat or delay his Creditors, or with the like Intent depart from his usual Place of Business or Abode within the said Jurisdiction, or make with like Intent any fraudulent Gift, Grant, Conveyance, Delivery, or Transfer of any of his Lands, Tenements, Money, Goods, or Chattels, or fraudulently with like Intent suffer his Lands, Money, Goods, or Chattels to be taken in Execution, attached, or sequestered, it shall be lawful for any Person being a Creditor, or for Two or more Persons being Partners in Trade and Creditors to the Amount of Company's Rupees Five hundred, or for any Two Creditors to whom such Person shall be indebted to the Amount of Seven hundred Company's Rupees, or for any Three or more Creditors to whom such Person shall be indebted to the Amount of Company's Rupees One thousand, to present a Petition to the Court for the Relief of Insolvent Debtors of the Presidency within which such Person shall have been so imprisoned or have resided at the Time of such Departure, or of such fraudulent

Parties subject to the Bankrupt Laws lying in Prison 21 Days, or departing the Jurisdiction with Intent to defeat or delay their Creditors, or with like Intent make any fraudulent Gift, &c. shall be deemed to have committed an Act of Insolvency, on which Creditors may petition.

fraudulent Gift, Grant, Conveyance, Delivery, Transfer, or fraudulent Execution, Attachment, or Sequestration, which Petition may be in the Form No. 2. in the Schedule (D.) to this Act annexed, with such Additions and Variations as may be necessary to adapt it to the particular Case; whereupon, and upon such Petition being duly verified, it shall be lawful for the Court to adjudge that such Person has committed an Act of Insolvency: Provided always, that it shall be lawful for the said Court, upon the Petition of any Person adjudged to have committed an Act of Insolvency as aforesaid, and upon Proof of Notice to the Creditor or Creditors upon whose Petition such Adjudication shall have been made, to revoke or confirm such Adjudication.

Court may, upon Petition, revoke or confirm Adjudication.

Creditor whose Demand at the Time of Act of Insolvency is not then due may petition or join in Petition.

X. And be it enacted, That every Person who shall have given Credit to any Trader upon valuable Consideration for any Sum payable at a certain Time, which Time shall not have arrived when such Trader committed any Act of Insolvency within the Meaning of this Act, may so petition or join in petitioning as is aforesaid, whether he shall have had any Security for such Sum or not.

On Adjudication of such last-mentioned Act of Insolvency, Vesting Order to take same Effect as where the Petition is presented by the Insolvent;

XI. And be it enacted, That upon any such Adjudication being made as herein-before is mentioned, the said Court is hereby authorized and required to make the like Vesting Order as herein-before is authorized to be made in the Case of a Petition by an Insolvent Debtor, which said Vesting Order shall in like Manner be entered of Record and notified as is herein-before mentioned, and shall, when made, take effect by Relation from the filing of the Petition on which the Adjudication shall have proceeded; and such Order shall, when made, vest in like Manner all the said Estate and Effects, Right, Title, and Interest, Trust and Debts of the Insolvent in the Official Assignee, in like Manner, and as fully, and with the like Effect as is herein-before mentioned, and which said Vesting Order shall, in case of the Adjudication being for any Reason revoked, be thenceforth null and void, to all Intents and Purposes, in like Manner, and with the like Effect, and under the same Qualifications as herein-before is mentioned.

and Court invested with same Powers as if such Insolvent had petitioned.

XII. Provided always, and be it enacted, That after the Adjudication of an Act of Insolvency in any of the Cases aforesaid, it shall be lawful for the Court to direct, and it is hereby required to direct, the Insolvent to file, within a Time to be named by the Court, and the said Insolvent is hereby directed and required to file accordingly, a Schedule in the Form in Schedule (C.) to this Act annexed, in the Court by which such Adjudication shall have been pronounced; and the Court shall be at liberty to proceed thereupon in like Manner as in the Case of an Insolvent presenting a Petition for Relief under this Act.

Powers of Court to grant Interim Order for Protection of Insolvents.

XIII. And be it enacted, That in any Case where a Petition shall have been presented by an Insolvent Debtor as aforesaid, or an Act of Insolvency shall have been adjudged to have been committed as aforesaid, it shall be lawful for the said Court, after the filing of the Schedule required by this Act, if under the Circumstances it shall appear

appear proper, to make an Interim Order for the Protection of the Insolvent from Arrest, and any such Interim Order may apply either to all the Debts or Liabilities mentioned in the said Schedule, or to any of them, as the Court may think proper, and may commence and take effect at such Time as the Court shall direct; and any such Order may be recalled and may be renewed as to the Court may appear proper; and any such Order, when so made, shall protect the Person to whom it shall be given from being arrested or detained in Prison for any Debt or Liability to which such Order shall apply within the Limits of the Towns of *Calcutta*, *Madras*, and *Bombay* respectively, or any other Place within the Territories under the Government of the *East India* Company; and any Person arrested or detained contrary to the Tenor and Effect of any such Order shall be entitled to his Discharge out of Custody upon Application to any Court or Judge which or who shall have Power to set at large Persons illegally detained in Custody under the Process by virtue of which such Person shall have been arrested or be so detained: Provided always, that no such Order shall operate as a Release or Satisfaction of the Debt or Demand of any Creditor, nor prejudice the Right of any such Creditor to arrest the Insolvent, whether he shall or not have been previously arrested for the same Debt or Demand, in case the Order shall be recalled, or shall fall by reason of the Petition of the Insolvent being dismissed, or the Adjudication being reversed.

Such Order not to operate as a Release, &c. in certain Cases.

XIV. And be it enacted, That as soon as this Act shall come into operation there shall be appointed by the Chief Justice of the Supreme Court at each of the said Presidencies, or in the Case of any Vacancy in the Office of Chief Justice then by the Senior Judge for the Time being of such Court, One Person to each Court for the Relief of Insolvent Debtors in each of the said Presidencies respectively, to be the Official Assignee in all Insolvencies in the Course of Prosecution at the Time when this Act shall take effect, or to be afterwards prosecuted in the said Court; and every such Official Assignee shall at all Times be, by virtue of such his Appointment, and without any other Assignment, an Assignee of every such Insolvent's Estate and Effects, together with any other Assignee or Assignees, or solely, according as there may or may not be then or afterwards any other Assignee or Assignees of such Estate or Effects.

Judges of Supreme Courts to appoint an Official Assignee for each Court.

XV. And be it enacted, That every such Official Assignee shall give such Security, and shall be subject to such Rules, and shall act in such Manner, as the Judges of the Supreme Court shall direct by any Rules and Orders of the said Court to be approved of by the Governor General of *India* in Council, and to be transmitted to the President of the Board of Commissioners for the Affairs of *India*, to be laid before Her Majesty for Her Royal Approbation, Correction, or Revision; and all the moveable Estate and Effects, and the Rents and Profits of all immoveable Estate, and the Proceeds of Sale of all the Estate and Effects of the Insolvent, shall in every Case be possessed and received by such Official Assignee alone, save where it shall be expressly directed by the Court for the Relief of Insolvent Debtors to be possessed and received by such Official Assignee and the

Official Assignees to give Security, and be subject to Rules made by Supreme Court, to be approved by the Governor General and by Her Majesty.

Insolvents Estates to be received by Official As-

signee alone, except when directed by the Court to be otherwise.

the Special Assignee or Assignees (if any), which the said Court shall have Power, if it think fit, to direct, and in all Cases of such Receipt and Possession shall, within Seven Days, be paid, delivered, or transferred by such Official Assignee, or such Official Assignee and other Assignee or Assignees, as aforesaid, to and be kept in Deposit in such public Bank or other safe Place of Deposit, and be managed and dealt with as the Judges of the Supreme Court shall have directed or may direct by any Rules or Orders of the said Court, to be approved of by the Governor General in Council, and to be transmitted for Approbation, Correction, or Revision in manner aforesaid.

As soon as Official Assignees appointed, Office of Common Assignee to cease, except as to Acts already done.

XVI. And be it enacted, That as soon as such Official Assignee shall be appointed to each of such Courts respectively the Office of Common Assignee shall cease and determine, but without Prejudice to any Acts, Matters, or Things previously done; and all Estates and Effects vested in him shall be divested, and vest in the Official Assignee instantly, by Operation of Law, by Force of the Appointment of such Official Assignee, without any Assignment; and upon the Death, Resignation, or Removal from Office of each such Official Assignee, another Official Assignee shall be appointed in his Place in the like Manner as upon the first of each of such Appointments.

On Application of Creditors, after vesting Orders, &c. Court may order an Election of Assignees by the Creditors.

XVII. And be it enacted, That at any Time after the making of any such Vesting Order as aforesaid, or after any such Adjudication of Insolvency as aforesaid, if any Creditor or Creditors of any such insolvent Trader as aforesaid shall be desirous that an Assignee or Assignees of the Insolvent's Estate and Effects shall be chosen by the Creditors, he or they shall be at liberty to apply in Writing, by Petition to the Court, that such Election shall take place; and thereupon a Time and Place for such Election shall be appointed by the Court; and all Creditors whose Debts amount to One hundred Rupees and upwards, who shall be included in the Schedule as Creditors, or who shall have proved their Debts, shall be entitled to vote in such Choice, and the Choice shall be made by the major Part in Value of the Creditors so entitled to vote; and the Person or Persons so elected shall be appointed by the Court a Special Assignee or Special Assignees of the Estate of the said Insolvent; provided that any Creditor shall be at liberty to give Notice to any other Person whose Name is included in the Schedule of the Insolvent as a Creditor, but who shall not have proved his Debt, to prove his Debt before he shall be admitted to vote on such Election, and in such Case such Party shall not be entitled to vote until he shall have proved his Debt.

Power of Court to remove Assignees.

XVIII. And be it enacted, That the Court may at any Time, in case of the Unwillingness to act, Removal from out of the Jurisdiction of the Court, Incapacity or Misconduct of any Official Assignee, or of any Assignee appointed by the Court, on the Election of the Creditors, or for any other Cause appearing to the Court sufficient, by its Order annul such Appointment, and thereupon, or in the Case of the Death of any such Official Assignee or other Assignee, another shall

shall be appointed; provided that if it be the Case of a chosen Assignee such Appointment shall not be made unless some Creditor or Creditors shall apply in Writing, by Petition to the said Court, that an Election of another Person as Assignee may be had, and thereupon the Court shall proceed in all respects in like Manner, and such Election shall be made, conducted, and declared in all respects in like Manner, as is herein-before directed as to the Election of Assignees by Creditors; and no Act or Thing done prior to the Order whereby such Appointment is so vacated shall be annulled or in any way affected. Mode of appointing or electing others.

XIX. And be it enacted, That no Remuneration whatever, whether in the Shape of Commission or otherwise, shall be received by any Assignee, except in the Manner nor beyond the Extent herein-after allowed; (that is to say,) the Court may allow a fair Remuneration to the Assignee or Assignees out of the Sum to be distributed as Dividends, and make an Order accordingly: Provided always, that the Court shall not have Power to order any Remuneration to be made to any Assignee or Assignees chosen by the Creditors, unless the Creditors shall at the Time of the Election declare that some Remuneration is to be made to the Assignee or Assignees chosen by them, and at what Rate such Remuneration is to be made, and in such Case the Court shall have Power to reduce, but not to increase, the Amount of such last-mentioned Remuneration. No Remuneration to be received by Assignee, except as herein provided.

XX. And be it enacted, That on every Appointment of a new Assignee the Estate, Effects, Rights, and Powers which would otherwise remain or be in the former Assignee or Assignees shall immediately, by virtue of such Appointment, and without any Conveyance or Assignment in any Case whatever, vest in the actual Assignee or Assignees, in trust for the Benefit of the Creditors of such Insolvent, in respect of and in proportion to their respective Debts, according to the Provisions of this Act; and all Books, Papers, Deeds, and Writings in any way relating to the Estate and Effects of the Insolvent shall be transferred to and deposited with such Assignee or Assignees as last aforesaid, and from Time to Time, on each Change of Assignees, shall be transferred to the Possession of the Assignee or Assignees for the Time being of such Insolvent; and the Court shall have Power to compel any Assignee or Assignees whose Appointment may be vacated, or the Heirs, Executors, Administrators, or Assigns of any Person once appointed such Assignee and deceased, to account for and deliver up all such Estates and Effects, Books, Papers, Writings, Deeds, and all other Evidences relating thereto, as shall have come to his or their Hands, and the Decision of the Court thereupon shall be final and conclusive; and whenever any Assignee shall die, or be removed from his Office, and any other Assignee or Assignees shall be appointed as aforesaid, no Action at Law or Suit in Equity brought or defended by him or them in the Character of Assignee or Assignees shall be thereby abated, but upon the Suggestion of each such Death, Removal, or new Appointment, such Action or Suit shall be prosecuted or defended in the Name of the existing Assignee or Assignees, and any Real and Personal Estate, Money and Effects, vested in or possessed by any Official Assignee shall not remain in him, if he shall resign Estate to vest, without Conveyance or Assignment, in new Assignee.

resign or be removed from his Office, nor in his Heirs, Executors, or Administrators, in case of his Death, but shall in every such Case go to and be vested in his Successor in Office, by Relation, from the Time of his Resignation, Removal, or Death, as the Case may be; and every such Appointment of any Assignee other than the Official Assignee shall be entered of Record of the said Court, and such Notice thereof shall be published as the said Court shall direct, and every such Assignee so appointed shall be liable to the Control of the Court, in like Manner as any Officer of the said Court.

Power of Assignees.

XXI. And be it enacted, That every such Assignee as aforesaid shall with all convenient Speed take possession, by himself, or by means of Messengers of the Court, or by other fit and proper Persons, of all the Real and Personal Estate and Effects of the Insolvent of which immediate Possession may be obtained, and shall use his best Endeavours to seize, obtain, recover, and reduce into Possession, as speedily as possible, the rest of such Estate and Effects, and all Debts, Claims, and Choses in Action, which by virtue of his Appointment under this Act, and of the Vesting Order or Adjudication aforesaid, he shall have been empowered to obtain, recover, and get in.

After Vesting Order, no Distress for Rent previously due shall be made, but Landlord to prove for the Amount.

XXII. And be it enacted, That after any such Vesting Order shall be made as aforesaid no Distress for Rent due before such Vesting Order shall be made upon the Goods and Effects of the Insolvent; but the Landlord or Party to whom the Rent should be due shall be entitled to prove, in respect of such Rent so due as aforesaid, whether the same shall or not be inserted in the Schedule of the Insolvent, and to receive a Dividend in respect of the said Rent, and shall not, unless the Petition of such Insolvent be dismissed, or the Adjudication be reversed, be entitled to distrain for the said Rent.

Property in the Order and Disposition of Insolvent to be deemed his Property.

XXIII. And be it enacted, That if any such Insolvent shall, at the Time of filing his Petition, or at the Time of filing the Petition on which an Adjudication of Insolvency shall be made by the Consent and Permission of the true Owner thereof, have in his Possession, Order, or Disposition any Goods or Chattels whereof such Insolvent is reputed Owner, or whereof he has taken upon him the Sale, Alteration, or Disposition as Owner, the same shall be deemed to be the Property of such Insolvent, so as to become vested in the Official Assignee of the Court by the Order made in pursuance of this Act; provided that no Assignment or Transfer of any Ship or Vessel, or any Share thereof, made as a Security for any Debt either by way of Mortgage or Assignment, duly registered according to the Provisions of any Act or Acts of Parliament now in force or hereafter to be passed, for the registering of *British* Vessels, shall be invalidated or affected by reason of such Possession, Order, or Disposition of the same as aforesaid.

Mortgages of Ships or Vessels, or Shares thereof duly registered, not to be invalidated or affected.

Fraudulent Conveyances, &c. made by Insolvent within Two Months

XXIV. And be it enacted, That if any Insolvent who shall file his Petition for his Discharge under this Act, or who shall be adjudged to have committed an Act of Insolvency, shall voluntarily convey, assign, transfer, charge, deliver, or make over any Estate, Real or Personal, Security for Money, Bond, Bill, Note, Money, Property, Goods,

Goods, or Effects whatsoever, to any Creditor, or to any other Person in trust for or to, or for the Use, Benefit, and Advantage of any Creditor, every such Conveyance, Assignment, Transfer, Charge, Delivery, and making over, if made when in insolvent Circumstances, and within Two Months before the Date of the Petition of such Insolvent, or of the Petition on which an Adjudication of Insolvency may have proceeded, as the Case may be, or if made with the View or Intention, by the Party so conveying, assigning, transferring, charging, delivering or making over, of petitioning the said Court for his Discharge from Custody under this Act, or of committing an Act of Insolvency, shall be deemed and is hereby declared to be fraudulent and void as against the Assignees of such Insolvent.

before Insolvency, to be void.

XXV. And be it enacted, That if any such Insolvent as aforesaid shall at any Time before he shall have obtained his Discharge in the Nature of a Certificate herein-after mentioned be entitled to or possessed of, in his own Right, any Government Stock, Funds, or Annuities, or any of the Stocks or Shares in any public Company, either in *England*, *Scotland*, or *Ireland*, or the Territories under the Government of the *East India* Company, it shall be lawful for the said Court, upon the Application of any Assignee or any Creditor of such Insolvent whose Debt or Demand against such Insolvent shall have been admitted or established in the Matter of the said Insolvency, whenever it shall deem fit so to do, to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name or Names of such Assignee or Assignees as aforesaid; and all such Persons whose Act or Consent is so necessary as aforesaid are hereby indemnified for all Things done or permitted pursuant to such Order: Provided always, that in all Transfers into the Name or Names of any such Assignee or Assignees, the Transferee or Transferees shall be described as Assignee or Assignees of the Estate and Effects of the Insolvent, and no Dividend shall be paid to, nor any future Transfer made by, any Person of any such Stock, Funds, Annuities, or Shares, except under a Power of Attorney, in the usual Form required for the Receipt of Dividends upon or Transfer of such Stock, Funds, Annuities, and Shares respectively, duly executed by such Assignee or Assignees, and attested by Two credible Witnesses, One of whom shall be an Officer of such Court for Relief of Insolvent Debtors, and to which Attestation the Seal of such Court shall be affixed.

Government Stocks, Funds, &c. standing in the Name of Insolvent to be transferred to the Name of Assignee.

XXVI. And be it enacted, That in case any Person shall, after any such Insolvent shall have petitioned for his Discharge under this Act, or have been adjudged to have committed an Act of Insolvency, and before the said Insolvent shall have obtained his Discharge in the Nature of a Certificate as herein-after mentioned, be possessed of or have under his Power or Control any Property whatsoever of such Insolvent, other than any such Government Stock, Funds, or Annuities as aforesaid, or other than any of the Stock or Shares in any public Company either in *England*, *Scotland*, or *Ireland*, or within the Limits aforesaid, or to which such Insolvent may be in any way entitled, either under any Trust, express or implied, or otherwise held for his Use and Benefit, or in case any such Person shall be at any

Persons holding Property of Insolvent, except Stocks, &c. or indebted to him, to transfer the same, and make Payment of Debts to the Assignee.

such Period indebted to such Insolvent, it shall be lawful for the said Court, upon the Application of any Assignee or any Creditor of such Insolvent whose Debt or Demand shall have been admitted or established in the Matter of the said Insolvency, to cause Notice to be given to such Person, directing him to hold and retain the said Property till the said Court shall make further Order concerning the same; and thereupon it shall be lawful for the said Court further to order such Person to deliver over such Property, and to pay such Debts as aforesaid, or any Part thereof, to the Assignee or Assignees of the Estate and Effects of such Insolvent, for the general Benefit of the Creditors of such Insolvent; and such Delivery and Payment shall be made accordingly in obedience to such Order, and such Person shall by such Payment and Delivery, so made in pursuance of such Order of the said Court, be discharged in respect of such Property and Debts against all Persons whatsover to all Intents and Purposes.

Offices, &c. held by Insolvent, if unsaleable, may be charged with proportionate Payment, to Assignee, if saleable shall vest in Assignee.

XXVII. And be it enacted, That if any such Insolvent as aforesaid shall, at any Time before he shall obtain his Discharge in the Nature of a Certificate as herein-after mentioned, hold any public Office, Appointment, or Benefice, Civil, Military, or Ecclesiastical, not saleable, or shall be in any Situation or Employment whatsoever in respect of which he shall receive any Salary or Emolument, or shall be in the Receipt of any Pension, then it shall be lawful for the said Court to order the said Insolvent to pay such Proportion of his Receipts therefrom to his Assignee as the said Court shall think right; and all saleable Offices, Appointments, or Benefices shall vest, by virtue of the Vesting Order as aforesaid, in the Official Assignee, in trust for the Creditors of such Insolvent as aforesaid.

Power of Assignee, with Consent of Creditors, to take Composition, and to submit Disputes, &c. to Arbitration.

XXVIII. And be it enacted, That it shall be lawful for the Assignee or Assignees, with the Leave of the Court first obtained, upon Application to such Court, and by and with such Notice to such Creditors as it shall think fit to direct, to take such reasonable Part of any Debts due to the Insolvent as may by Composition be gotten, in full Discharge of such Debts, and to submit to Arbitration any Difference or Dispute between the Assignee or Assignees and any other Person or Persons for or on account or by reason of any thing relating to the Estate and Effects of such Insolvent.

Powers of Assignee to institute and defend Actions and Suits.

Proviso as to Persons in Partnership with Insolvent.

XXIX. And be it enacted, That it shall be lawful for the Assignee or Assignees, with Leave of the Court first obtained, to commence, prosecute, or defend any Suits or Actions at Law or in Equity which the Insolvent might have commenced and prosecuted or defended, and to defray the Costs to which he may be put in respect of such Suits or Actions out of the Proceeds of the Estate and Effects of the Insolvent; and if there be any Partner of the Insolvent who hath not joined in the Petition, it shall be lawful for the Court to authorize the Assignee to join such Partner with himself as Plaintiff in such Suit or Action; and if such Partner shall execute any Release of the Debt or Demand for which such Suit or Action is brought, the Release shall be void: Provided always, that such Partner, if he shall take no part in the Prosecution or Defence of such Suit or Action, shall

shall not be liable to pay Costs in respect of the same; and it shall be lawful for such Court, upon the Application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as the said Court shall direct.

All Powers vested in Insolvent to be vested in the Assignee for the Benefit of the Creditors.

XXX. And be it enacted, That all Powers vested in any such Insolvent which he might lawfully execute for his Benefit shall be and are hereby vested in the Assignee or Assignees of the Real and personal Estate of such Insolvent or Insolvents by virtue of this Act, to be executed by his Assignee or Assignees for the Benefit of his Creditors.

Assignee to make sale of Insolvent's Estate.

Court may delay or postpone the Sale.

XXXI. And be it enacted, That the Assignee or Assignees shall, with all convenient Speed, make Sale of the Property and Effects of the Insolvent: Provided nevertheless, that the said Court shall have full Power and Authority, upon the Application of any Insolvent, or any Creditor or Mortgagee of such Insolvent, to delay or postpone the Sale of any Property, and to make such other Order respecting the same as to such Court shall seem meet.

Discretionary Power vested in the Court as to immediate Sales of Property of Insolvents entitled to Annuities, or contingent or uncertain Interests therein.

XXXII. And whereas Insolvents may be entitled to Annuities for their own Lives, or other uncertain Interests, or to reversionary or contingent Interests, or may have made Advances of Money for the Cultivation of Lands, or may be interested in Property in other Ways under such Circumstances that an immediate Sale and Payment of their Debts may be very prejudicial to them and to their Creditors, and it may be proper in some Cases to defer the Sale of their Property, or some Parts thereof, and to put it under temporary Management, or to authorize the raising of Money by way of Mortgage or otherwise for Payment of the Debts or Part of the Debts of an Insolvent, and for defraying the Expenses attending the Execution of this Act, instead of selling for such Purpose; be it enacted, That in all such Cases it shall be lawful for the said Courts for the Relief of Insolvent Debtors at any Time to take into Consideration all Circumstances affecting any Property of the Insolvent which shall have been vested under the Provisions of this Act; and if it shall appear to any Court that it would be reasonable to make any special Order touching the same, it shall be lawful for such Court so to do, and to direct that so much of the said Property as it may be expedient not to sell immediately according to the Provisions of this Act shall not be so sold, and from Time to Time to order and direct in what Manner such Property shall be managed for the Benefit of the Creditors of such Insolvent, until the same can be properly sold, or until Payment of such Creditors be effected according to the Provisions of this Act, and to make such Order touching the Sale or Disposition or Management of such Property as to such Court for Relief of Insolvent Debtors may seem reasonable and beneficial, and upon such Terms and Conditions with respect to the Allowance of Interest on Debts not bearing Interest, or other Circumstances, as to such Court shall seem just; and if it shall appear that the Debts of any such Insolvent can be discharged by means of Money raised by way of Mortgage or otherwise on any of the said Property of the said Insolvent, instead of raising the same by Sale, it shall be lawful for the said Court so

to

to order, and to give all necessary Directions for such Purpose, and generally to direct all Things which may be proper for the Discharge of the Debts of such Insolvent in such Manner as may be most consistent with the Interest of such Insolvent and of his Creditors.

Assignees to keep Accounts of the Estates of Insolvents, with Liberty for Creditors to inspect the same.

XXXIII. And be it enacted, That the Assignee or Assignees shall keep Accounts of the Property, Debts, and Credits of such Insolvent, whether separate or joint, and of all Property of the Insolvent received by him or them, and all Payments made by him or them, which Accounts any Creditor shall be at liberty to inspect at all seasonable Times; and it shall be lawful for the Courts for the Relief of Insolvent Debtors to summon the Assignee or Assignees before them, and require him or them to produce all Books, Papers, Deeds, Writings, and other Documents in his or their Possession relating to the Matters of such Insolvency; and upon his or their Default, it shall be lawful for such Courts respectively to issue an Attachment or Attachments against the Party or Parties so making Default, and to cause such Assignee or Assignees to be brought before them, and to commit such Assignee or Assignees to Prison until he or they shall submit to the Court by which he or they shall have been summoned.

Penalty on Assignee improperly dealing with Insolvent's Estate.

XXXIV. And be it enacted, That if any Assignee shall knowingly retain in his Hands, for his own Benefit, or employ for his own Benefit, or knowingly permit any Co-Assignee so to retain or employ any Sum, Part of the Estate of the Insolvent, or shall knowingly omit to invest or pay or deposit any Money or other Property in the Manner in which it may be his Duty for the Time being, according to Law, to invest, pay, or deposit the same, every such Assignee shall, besides being liable to be removed therefor from his Office of Assignee for Misconduct, be liable to be charged in his Accounts with such Sum as shall be equal to Interest at the Rate of Twelve *per Centum per Annum* on the Amount or Value of such Money or Property, or if any higher Interest shall have in fact been made, then to the Extent of the Interest actually made, and Five *per Centum per Annum* in addition thereto on all such Money or Property, for the Time during which he shall have so retained or employed the same, or permitted the same to be so retained or employed as aforesaid, or during which he shall have so neglected to invest or deposit the same as aforesaid; and the Court is hereby required to charge every such Assignee in his Accounts accordingly, and the Amount so charged shall constitute a Debt from him to such Estate; and if any Assignee indebted to the Estate of which he is such Assignee, in respect of Money so retained or employed by him as aforesaid, become insolvent, his Discharge under the Provisions of this Act shall only have the Effect of freeing his Person from Arrest and Imprisonment on account of such Debt; but his future Effects, excepting the Wearing Apparel, Bedding, and other herein-before mentioned Articles excepted out of the Operation of the Vesting Order aforesaid, and not exceeding the Value herein-before limited in that Behalf, shall remain liable for so much of his Debts to the Estate of which he was Assignee as shall not be paid by Dividends under such Insolvency, together with legal Interest for the whole Amount.

XXXV. And

After Petition and Schedule filed, and Adjudication of an Act of Insolvency, Notice to be given to Creditors, and published.

XXXV. And be it enacted, That after the Petition and Schedule of any Insolvent shall have been filed in any Court for the Relief of Insolvent Debtors, and after any such Adjudication of an Act of Insolvency shall have been pronounced as aforesaid, the Court shall cause Notice thereof to be given to any Creditor or Creditors of the Insolvent at whose Suit he may be detained in Custody, or the Attorney or Agent of such Creditor or Creditors, and to the other Creditors resident within the Limits of the Territories of the *East India* Company, as the Court shall direct; and Notice to the like Effect shall be twice at least published in the Gazette of the Presidency where such Court shall be holden; and the Court in such Notice shall appoint a Day and Place for the hearing of the Matters of the Petition of such Insolvent, and for hearing any other Applications in the Matter of the Insolvency.

Court in such Notice to appoint a Day for hearing.

Course of Proceeding on hearing.

XXXVI. And be it enacted, That upon the Day so appointed by the Court as aforesaid for such hearing as aforesaid, or on any future Day to which such hearing may be adjourned, it shall be lawful for the Insolvent and for any Creditor of the Insolvent, as the Case may require, to be heard, either by himself or by Counsel, in support of or in opposition to the Petition of the Insolvent, or on any other Application relating to the Insolvent or his Estate; and it shall also be lawful for the Court, on those or any other Occasions, and from Time to Time as often as Occasion may require, to order any Insolvent who is in Custody to be brought before it, and to summon any Insolvent who shall not be in Custody, and the Wife of any Insolvent, and any other Person, whether a Creditor or not, who may be known or suspected to have any of the Estate or Effects of the Insolvent in his or her Possession, or any Person who may be suspected to be indebted to the Insolvent, or any Person who is believed to be capable of giving any Information respecting the Estate and Effects of such Insolvent, or respecting his Acts, Dealings, or Conduct, or any Information which will more easily enable the Court to dispose of the Estate and Effects of the Insolvent for the Benefit of his Creditors; and it shall also be lawful for the Court to examine any Insolvent or his Wife, or any other such Person, whether a Creditor or not, in the same Way as any other Witnesses are examined in Her Majesty's Supreme Court at that Presidency, in any Suits at Law or in Equity, or according to any Rules which may be made for the Practice of the said Courts for the Relief of Insolvent Debtors respectively, or for giving effect to this Act, in the Manner which is herein prescribed: Provided always, that every Witness summoned to attend before the Court shall have his necessary Expenses tendered to him in like Manner as by Law is required upon Service of a Subpœna to a Witness in an Action at Law.

Court may admit Affidavit instead of personal Appearance in case of Sickness, &c.

XXXVII. Provided also, and be it enacted, That in all Cases where any Creditor or other Person shall be prevented or hindered from attending the said Court, by reason of Sickness or Infirmity, or the Distance of his Residence, or other reasonable Cause, to be admitted by the Court, it shall be lawful for the Court to receive the Affidavit or solemn Affirmation of such Creditor or other Person, and also, if the Court shall think fit, to permit Interrogatories to be filed for the Examination or Cross-examination of any such Person.

Creditor whose Name is not included in the Schedule may claim and prove his Debt, and receive Dividends thereon.

XXXVIII. And be it enacted, That when any Petition shall have been presented under this Act by an Insolvent, or any Adjudication of an Act of Insolvency shall have been pronounced as aforesaid, it shall be lawful for any Person to whom any such Insolvent shall be indebted or liable in respect of any Debt or Demand which would have entitled such Person to be inserted as a Creditor in the Schedule of such Insolvent, to make Claim upon the Estate of such Insolvent, and to prove his Debt or Demand, whether due by such Insolvent solely or jointly with any other Person or Persons; and such Person shall be entitled to and receive a Dividend thereon rateably with the other Creditors of the said Insolvent, although the Name of such Creditor may have been wholly omitted by the said Insolvent in his or her Schedule, or may have been inserted for a smaller Amount than the Debt or Demand really due to such Person; and where any Objection to the Existence or Amount of such Debt or Demand shall be made by such Insolvent, or any Creditor, such Court shall hear the same, and may make such Order thereon as may seem meet and just.

Mutual Demands may be set off against each other.

XXXIX. And be it enacted, That when there has been mutual Credit given to the Insolvent and any other Person or Persons, One Debt or Demand may be set against the other.

All Debts, &c. proveable under Fiat in Bankruptcy pursuant to 6 G. 4. c. 16. may be proved under Insolvency.

XL. And be it enacted, That all such Debts, Dues, and Claims as might be proved under a Fiat of Bankruptcy bearing even Date with the Insolvent's Petition or the Adjudication (as the Case may be), according to the Provisions of the said Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Law relating to Bankrupts*, or any other Statute or Statutes now in force or hereafter to be passed relating to Bankrupts, may also be proved as is herein-before mentioned, in the same Manner and subject to the like Deductions, Conditions, and Provisions as in the said Statutes are or may be set forth and prescribed.

Power to Court to order Dividends to be declared, giving Notice of the same.

XLI. And be it enacted, That whenever it shall appear to the Court, either by the Accounts of any Assignee or Assignees, or otherwise, to be probable that a Dividend may be beneficially made amongst the Creditors, it shall be lawful for the Court to appoint a Day for the Purpose of making a Dividend, and to cause Notice thereof to be given, in such Manner as it shall direct; and on the Day appointed the Assignee or Assignees shall deliver in, upon Oath or solemn Affirmation, as the Case may be, a true Statement in Writing of all Money received by him or by them respectively, and when, and on what Account, and how the same have been employed; and the Court shall examine such Statement, and compare the Receipts with the Payments, and shall ascertain what Balances, if any, have been from Time to Time in the Hands of such Assignee or Assignees respectively; and on the said Day all Parties interested shall be heard, and all Objections to the Schedule of the Insolvent, and to the Accounts or Conduct of the Assignee or Assignees; and any Claims of any Creditors which shall not have been previously determined shall be heard and determined either by such Court immediately, or on a Reference to the Examiner or other Officer of the Court; and it shall be lawful for the Court to examine the Insolvent, the Assignees, and any

any Witnesses, either on Oath or Affirmation, and either at that Time to declare a Dividend, and to direct that the same shall be paid by the Assignee or Assignees, or to postpone such Declaration or Direction of the same until a further Hearing, and to make such Order as shall be just.

As to Payment of Dividends out of separate Estates to joint Creditors, and out of joint Estates to separate Creditors.

XLII. Provided always, and be it enacted, That it shall not be lawful for such Court to order any Dividend to be made amongst the joint Creditors out of the separate Estate until the separate Creditors shall have been paid in full, nor to order any Dividend to be made to the separate Creditors out of the joint Estate until all the joint Creditors shall have been paid in full; in which latter Case it shall be lawful for such Court to order such Dividend to be made among the separate Creditors out of such Interest in the joint Estate as such Insolvent shall appear to be entitled to.

Unless the Court is satisfied that all the Estate of the Insolvent is within the Limits of the Charter, and all Debtors and Creditors reside therein, Assignee to reserve One Third Part undivided until after Twelve Months Notice, to be published in the London Gazette.

At Expiration of Twelve Months such One Third to be divided.

XLIII. Provided always, and be it enacted, That unless it shall appear to the Satisfaction of such Court that all the Property of the Insolvent is situate, and all the Debtors and Creditors resident, within the Limits of the Charter of the *East India* Company, then, until the Expiration of Twelve Calendar Months from a Notice, to be published in the *London Gazette*, of the Petition or Adjudication of or against any Insolvent as herein-after is mentioned, the Assignee or Assignees shall reserve the full Amount of One Third Part of all the Property of the said Insolvent which shall have been got in, and shall make a Dividend amongst the Creditors of the said Insolvent to the Amount of the remaining Two Third Parts only, which Third Part so to be reserved as aforesaid shall in the meantime be invested or disposed of in such Way as such Court shall order, and shall not remain in the Hands of such Assignee or Assignees; and at the Expiration of the said Term of Twelve Calendar Months it shall be lawful for the Assignee or Assignees of such Insolvent to apply to such Court for a Return of the said Third Part so reserved as aforesaid, in order that the same may be so distributed amongst the Creditors as to place them all upon an equal Footing; and upon such Third Part so reserved as aforesaid being restored to such Assignee or Assignees, such Assignee or Assignees shall forthwith proceed to take an Account of the Debts of the said Insolvent admitted and established in the said Court, and of the Sum or Sums which shall or may have been paid by way of Dividend to any of such Creditors, and shall distribute the Fund then in the Hands of such Assignee or Assignees, so as to place all the Creditors of the said Insolvent, whether *Indian* or *British* or Foreign, upon a just and equal Footing, and so as that every Creditor whose Debt or Claim shall be admitted or established in the said Court shall receive a rateable and proportional Part of the Assets of the said Insolvent, according to the Amount of his Debt, without reference to the Time at which such Debt shall have been claimed.

If Creditors do not appear to claim Dividend, Court may order Pay-

XLIV. And be it enacted, That if any Creditor whose Claim shall have been admitted or established in any Court for the Relief of Insolvent Debtors shall not appear, by himself, his Attorney or Agent, at the making of any Dividend, nor shall make Application to receive his

ment, or Deposit thereof, in such Way as it shall see fit.

his Share thereof, the Assignee or Assignees shall certify the same to such Court at its first Sitting after the making of the Dividend, and it shall be lawful for the Court to direct in what Manner, and by whom, and upon what Conditions the Money so due to such Creditor shall be kept for or paid to him or to his lawfully constituted Attorney or Agent.

Power of Court over Assignees neglecting to pay Dividends or committing Breach of Duty as such Assignees.

XLV. And be it enacted, That if any Assignee or Assignees shall neglect to pay any Dividend which shall have been ordered by any Court for the Relief of Insolvent Debtors, or in any other respect shall neglect or commit any Breach of his or their Duty as Assignee or Assignees, it shall be lawful for such Court, having first summoned the Assignee or Assignees to appear before it and answer the same, to order the Payment of such Dividend, with Interest at such Rate as the Court shall award, not exceeding Six Pounds *per Centum per Annum*, and to order the Assignee or Assignees to make such Compensation to any Party injured by such Neglect or Breach of Duty as to such Court shall seem fit, and in default of Obedience thereto to commit such Assignee or Assignees to the Common Gaol, there to remain without Bail until he or they shall obey the Order of such Court, and to levy by Distress and Sale of the Offender's Goods as much as shall be sufficient to satisfy the Order of the Court.

Court may award Wages, &c. to Servants or Clerks not exceeding Six Months, with Power to prove for any Sum beyond the same.

XLVI. And be it enacted, That if it shall appear to any of the said Courts for the Relief of Insolvent Debtors that any such Insolvent as aforesaid is indebted to any Servant or Clerk of such Insolvent in respect of Wages or Salary of such Servant or Clerk, it shall be lawful for the said Court to order so much as shall be due as aforesaid, not exceeding Six Months Wages or Salary, to be paid to such Servant or Clerk out of the Estate of such Insolvent, and such Servant or Clerk shall be at liberty to prove and receive Dividends for any Sum exceeding such last-mentioned Amount.

Court may, by Order of Discharge, protect Insolvent, or Discharge from Custody, or dismiss, &c. Petition, or order to amend Schedule, or adjourn the Hearing, &c.;

Court may remand Insolvent to Prison, &c., and order an Allowance for Maintenance.

XLVII. And be it enacted, That upon Application to the Court for that Purpose, it shall be lawful for the Court to declare that the Insolvent is entitled to his personal Discharge under this Act, and to order the same accordingly, which Order of Discharge shall have the Effect of protecting his Person from Arrest in respect of all Demands inserted in his Schedule or established in the same Court; and if such Insolvent be in Custody, it shall be lawful for the Court to order his immediate Discharge from Custody accordingly, or to dismiss or give Leave to amend the Petition aforesaid, or to order the Insolvent to amend his Schedule, or to adjourn the Hearing until a future Day, or to make a Reference to the Examiner or other Officer of the said Court to make Inquiry into any Matter of Account, or into the Truth of the Schedule or Schedules, and to report thereon to the Court; and it shall also be lawful for the Court to remand the Insolvent to Prison, if a Prisoner, until a further Hearing, or until a further Time to be named in such Order, or to commit the Insolvent to Custody for any Debt or Demand, if he shall not be in Custody at the Time of the Hearing, and to cancel or renew any such Order as is herein-before mentioned which may have been given for the Purpose of affording interim Protection to the Insolvent from Arrest, and to order

order and direct that the Assignee shall make some reasonable Allowance for Maintenance of the Insolvent until Final Order, the Amount of which shall be fixed by the Court, and shall not exceed Five Company's Rupees *per* Week; and the Court by which any Order of Discharge shall be made upon any such Hearing as is hereinbefore mentioned shall by such Order direct that the Assignee shall give such Notice of such Order as to the Court shall seem fit and convenient.

Discharge to extend to any Sums payable by Insolvent by way of Annuity at any future Time, &c.

Persons who would be Creditors if Monies were presently due, entitled to Benefit of Provisions of this Act.

Discharge to extend to Costs incurred before Insolvency.

XLVIII. And be it enacted, That the Discharge of any such Insolvent as aforesaid shall and may extend to any Sum or Sums of Money which shall be payable, by way of Annuity or otherwise, at any future Time or Times, by virtue of any Bond, Covenant, or other Security whatsoever, and to any Sum or Sums of Money payable at a certain Time, which Time shall not have arrived at the Time of the Act of Insolvency or Petition of such Insolvent; and that every Person and Persons who would be a Creditor of such Insolvent for such Sum of Money if the same were presently due, shall be admissible as a Creditor of such Insolvent for the Value of such Sum of Money so payable as aforesaid, which Value the said Court shall, upon Application at any Time made in that Behalf, ascertain; and such Creditor shall be entitled in respect of such Value to the Benefit of all the Provisions made for Creditors by this Act, without Prejudice, nevertheless, to the respective Securities of such Creditor, excepting as respects such Insolvent's Discharge under this Act; and the Discharge by virtue of this Act as to any Debt or Demand of any Creditor of the Insolvent shall be deemed to extend also to all Costs incurred by such Creditor before the Insolvency in any Action or Suit for the Recovery of the same, and to any Process of Contempt for enforcing the same, and to all Costs which the Insolvent would be liable to pay in clearing such Contempt; and that all Persons as to whose Demands for any such Costs as aforesaid the Discharge of the Insolvent is so to extend shall be deemed Creditors of the Insolvent in respect thereof, and entitled in respect thereof to the Benefit of all the Provisions made for Creditors by this Act, subject nevertheless to ascertaining the Amount of such Demands by Taxation or otherwise.

Suits against the Insolvent pending at the Time of Insolvency, and all Proceedings therein, may be stayed, so far as relate to Debts contained in Insolvent's Schedule.

XLIX. And be it enacted, That if after the filing of any Insolvent's Schedule in the said Court for the Relief of Insolvent Debtors, and before such Insolvent shall obtain his Discharge in the Nature of a Certificate herein-after mentioned, any Suit or Action shall be pending against the Insolvent, his Heirs, Executors, or Administrators, in any Court within the Limits aforesaid, or any Execution or Process shall be sued out or issued from any of the said Courts, or be enforced against such Insolvent, his Heirs, Executors, or Administrators, for or in respect of any Debt or Demand admitted in the Schedule of the Insolvent, or disputed as to Amount only, the said Court in which such Action or Suit shall be pending, or from which such Execution or Process as aforesaid shall issue, on Proof to its Satisfaction that such Action or Suit, Execution or Process, is in respect of the Debt or Demand aforesaid, may stay the Proceedings in such Suit or Action, so far as the same respects the said Debt or Demand, until further

Order of the said Court, and may set aside or suspend such Execution or Process, so far as the same respects the said Debt or Demand, until further Order of the said Court, as it shall think fit; and in such Case the Plaintiff shall pay all Costs reasonably incurred by such Insolvent, his Heirs, Executors, or Administrators, by reason of such Proceedings, and such Execution and Process as aforesaid, subsequent to such Plaintiff's having Notice of his Debt or Demand being included in such Schedule as aforesaid: Provided always, that no Prisoner whose Estate shall by an Order under this Act have been vested in the said Official Assignee shall after such Order, and whilst the same is in force, be discharged out of Custody otherwise than under the Provisions of this Act, as to any Action, Suit, or Process, or concerning any Demand with respect to which an Order of Discharge can, under the Provisions of this Act, be made; nor shall such Action, Suit, or Process abate, be discontinued, terminated, or dismissed, or the Plaintiff be in any way subject to pay Costs, by reason merely of his not having taken any further Step in such Cause, Suit, or Process, or his forbearing to proceed with the same, after such Vesting Order as aforesaid.

No Prisoner whose Estate is vested in Assignee to be discharged, as to certain Actions, &c. except under this Act.

L. And be it enacted, That in case it shall appear to any Court for the Relief of Insolvent Debtors that any such Insolvent has fraudulently, with the Intent to conceal the State of his Affairs, or to defeat the Objects of this Act, destroyed or otherwise wilfully prevented or purposely withheld the Production of any Book, Paper, or Writing relating to such of his Affairs as are subject to Investigation under this Act, or kept or caused to be kept false Books, or made false Entries in, or withheld Entries from, or wilfully altered or falsified any such Book, Paper, or Writing, or that such Insolvent has fraudulently, with Intent of diminishing the Sum to be divided among his Creditors, or of giving an undue Preference to any of the said Creditors, discharged or concealed any Debt due to or from the said Insolvent, or made away with, charged, mortgaged, or concealed any Part of his Property, of what Kind soever, such Court shall have Power to adjudge that the Insolvent shall be imprisoned for a Period or Periods not exceeding Two Years in the whole, as such Court shall direct, and to declare him entitled to his Discharge as aforesaid at the Expiration of the Term of Imprisonment to which he shall be sentenced, and by Warrant under the Seal of the Court to order him to be arrested and committed to Prison, and there to be detained accordingly.

Penalty on Insolvent fraudulently concealing his Effects, or destroying or falsifying Books, or giving undue Preference, or contracting Debts by Breach of Trust, &c.

LI. And be it enacted, That in case it shall appear to any such Court that such Insolvent shall have contracted any of his Debts fraudulently, or by means of Breach of Trust, or by means of false Pretences, or without having any reasonable or probable Expectation at the Time when contracted of paying the same, or shall have fraudulently or by means of false Pretences obtained the Forbearance of any of his Debts by any of his Creditors, or shall have put any of his Creditors to any unnecessary Expense, by any vexatious or frivolous Defence or Delay, to any Suit for recovering any Debt or any Sum of Money due from such Insolvent, or shall be indebted in Costs incurred in any Action or Suit vexatiously brought or defended, or

Insolvents fraudulently, vexatiously, frivolously, or maliciously contracting certain Debts not entitled to Discharge.

or shall be indebted for Damages recovered in any Action for Criminal Conversation with the Wife, or for seducing the Daughter or Servant of the Plaintiff in such Action, or for Breach of Promise of Marriage made to the Plaintiff in such Action, or for Damages recovered in any Action for a malicious Prosecution, or for a Libel or for Slander, or Assault or Battery, or malicious Arrest, or in any other Action for a malicious Injury done to the Plaintiff therein, or in any Action of Tort or Trespass to the Person or Property of the Plaintiff therein, wherein it shall appear to the Satisfaction of such Court that the Injury complained of was malicious, or if it shall appear that the Insolvent's whole Debts so greatly exceed his Means of providing for the Payment thereof during the Time when the same were in the Course of being contracted, reference being had to his actual and expected Property, as to show gross Misconduct in contracting the same, then and in every such Case it shall and may be lawful for such Court to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid forthwith, excepting as to any Debts, Sum or Sums of Money, or Damages to be specially mentioned in the Order, and as to such Debt or Debts, Sum or Sums of Money, or Damages, to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid as soon as he shall have been in Custody at the Suit of the Person or Persons who shall be Creditor or Creditors for the same respectively, for such Period or Periods, not exceeding Two Years in the whole, as such Court shall direct.

Where Insolvent is ordered to be discharged after Imprisonment, he may still be liable to be arrested and charged in Custody at the Suit of certain Creditors.

LII. And be it enacted, That in all Cases where it shall have been ordered that any such Insolvent shall be discharged from Imprisonment as aforesaid at some future Period, such Insolvent shall be subject and liable to be detained in Prison, and to be arrested and charged in Custody, at the Suit of any One or more of his Creditors with respect to whom it shall have been so ordered, at any Time before such Period shall have arrived, in the same Manner as he would have been subject and liable thereto if this Act had not passed: Provided nevertheless, that when such Period shall have arrived such Insolvent shall be entitled to the Benefit and Protection of this Act, notwithstanding that he may have been out of actual Custody during all or any Part of the Time mentioned in such Order, by reason of such Insolvent not having been arrested or detained during such Time, or any Part thereof.

Where Insolvent liable to further Imprisonment at the Suit of Creditors, Court may order detaining Creditor to allow him a Sum for Maintenance.

LIII. And be it enacted, That in all Cases where such Insolvent shall, upon such Order as aforesaid, be liable to further Imprisonment at the Suit of his Creditors, or any of them, it shall be lawful at any Time for the Court by which such Order shall be pronounced, on the Application of such Insolvent, to order such Creditor or Creditors at whose Suit he shall be so imprisoned to pay to such Insolvent such Sum or Sums not exceeding the Rate of Five Company's Rupees by the Week in the whole, at such Times, and in such Manner, and in such Proportion, as such Court shall direct, and that in failure of Payment thereof, as directed by such Court, such Court shall order such Insolvent to be forthwith discharged from Custody at the Suit of the Creditor or Creditors so failing to pay the same.

LIV. And

Creditor opposing Discharge of Insolvent to have his Costs allowed him out of the Estate in certain Cases; if Opposition frivolous or vexatious, Court may award Costs against such Creditor.

LIV. And be it enacted, That whenever any Creditor or Creditors opposing such Insolvent's Discharge shall prove to the Satisfaction of any such Court that such Insolvent has done or committed any Act for which he may be liable to remain in such Custody as aforesaid, it shall be lawful for such Court to order the taxed Costs of such Opposition to be paid to such opposing Creditor or Creditors, out of the Estate and Effects of such Insolvent, by his or her Assignee or Assignees, before any Dividend made thereof; and in all other Cases of Opposition to an Insolvent's Discharge being substantiated or effectual, it shall be lawful for such Court to adjudge in like Manner; and that in case it shall appear to such Court that the Opposition of any Creditor to any such Insolvent's Discharge was frivolous and vexatious, it shall and may be lawful for such Court to award such Costs to such Insolvent as shall appear to be just and reasonable, to be paid by the Creditors making such Opposition, which shall be paid accordingly.

Where Order has been issued for Discharge of Insolvent, the Court may also discharge him as to any Arrest or Detainers that may be lodged against him in respect of the same.

LV. And be it enacted, That where in the Matter of any such Petition heard before any such Court any Order shall have been made by such Court for the Discharge of any Insolvent, such Court shall also issue a Warrant or Warrants to the Gaoler accordingly, ordering the Discharge of such Insolvent from Custody, as to any Arrest or Detainers under which he may then be confined, or which may be lodged against him before he shall be out of Custody, the same being for Debts in respect of which such Order of Discharge shall have been made, and that every such Order of Discharge shall take effect as from the Day on which it was pronounced, and that every such Order may be made without specifying therein any such Debt or Debts, or Sum or Sums of Money, or Claims as aforesaid, or naming therein any such Creditor or Creditors as aforesaid, excepting so far as shall be necessary in any Case in order to distinguish between the Creditors as to whom any such Insolvent may be ordered so to be discharged as aforesaid forthwith, and the Creditors as to whom he may be ordered to be so discharged at some future Period: Provided nevertheless, that in all Cases the Arrest or Detainer with respect to which any such Insolvent shall have been ordered to be discharged out of Custody, he being then in Custody thereupon, shall be specified in the Warrant of such Court, to be delivered to the Gaoler in that Behalf.

Such Order for Discharge, except in Cases of Appeals, shall be final and conclusive unless obtained fraudulently.

LVI. And be it enacted, That every such Order for Discharge of any Insolvent as aforesaid by any such Court as aforesaid, except in Cases of Appeals, shall be final and conclusive, and shall not be reviewed by such Court, unless such Court shall thereafter see good and sufficient Cause to believe that such Order has been made on false Evidence, or has been made by reason of an improper Suppression of Evidence, or of any false Statements in the Insolvent's Schedule, or has otherwise been fraudulently obtained, in which Case it shall and may be lawful for such Court, upon the Application of such Insolvent, or of any Creditor of such Insolvent, to order such Insolvent, upon due Notice to be given to such Persons and in such Manner as the said Court shall direct, to attend or to be brought up and the said Matter to be re-heard before the said Court, who shall

thereupon re-hear the same, and shall and may, if just Cause shall appear, annul the original Order made in such Case, and shall have the same Powers and Authorities upon such Re-hearing as upon an original Hearing in pursuance of this Act, and may adjudicate in such Matter accordingly; and thereupon, in case the former Order in the said Matter shall not be confirmed, such Order, Certificate, and Warrant, so far as Circumstances require, shall be made as required by this Act to be made in the Case of the original Order; and the said Court shall and may, if necessary, remand the said Insolvent to the same Custody in which he or she was at the Time of the former Hearing, there to be subject to Imprisonment as if the former Order therein had not been made; and thereupon all Detainers which were in force against such Insolvent at the Time of his or her former Discharge from Custody shall be deemed to be still in force against him or her as if such former Order had not been made; and the Gaoler and Keeper of the Prison to which such Insolvent shall be so remanded shall and is hereby required to receive such Insolvent into his Custody in pursuance of such Remand, for doing which the Order of Remand in such Case shall be his sufficient Warrant; and where in any Case such Insolvent shall refuse or neglect to appear before such Court according to such Order for re-hearing as aforesaid, a Copy whereof shall have been duly served on such Insolvent, it shall and may be lawful for such Court to order such Insolvent to be apprehended and committed to Custody to such Prison, and to issue its Warrant accordingly, and to cause such Insolvent to be brought up for Examination as often as to such Court shall seem fit: Provided always, that where upon such re-hearing it shall appear to such Court that such Insolvent is not entitled to the Benefit of this Act until some future Period, according to the Provisions herein contained, the said Court shall and may, if it shall appear reasonable, adjudge the Discharge of such Insolvent at such future Period, to be calculated without including the Time during which such Insolvent shall be out of Custody since the Time appointed for his or her Discharge by such former Order as aforesaid.

If Order issued erroneously, Court may revoke, annul, suspend, or amend the same, and re-commit the Prisoner.

LVII. Provided always, and be it enacted, That if in any Case an Order for the Discharge of any such Prisoner shall have issued erroneously, and which is not pursuant to the intended Order of the Court in that Behalf, it shall be lawful for the said Court, on such Error being shown to the Court, to revoke such Order, and to annul, suspend, or amend the same, and, if necessary, to re-commit such Prisoner to his former Custody, when by such Order he shall have been discharged therefrom; and the Gaoler or Keeper of the Prison to whose Custody such Prisoner shall be so re-committed is hereby required to receive such Prisoner into his Custody, according to such Re-commitment, and thereupon all Detainers which were in force against such Prisoner at the Time of such Discharge as aforesaid shall be deemed to be still in force against him as if such erroneous Order had not issued.

On Request of Assignee, Insolvent may at any Time, al-

LVIII. And be it enacted, That it shall and may be lawful to and for the Assignee or Assignees from Time to Time, although an Order for the Discharge of the Insolvent may have been made, to apply

though discharged, be further examined touching his Estate.

Penalty on Insolvent refusing to appear.

apply to the Court that such Insolvent may be further examined as to any Matter or Things relating to his Estate and Effects by such Court, and thereupon it shall be lawful for the said Court to order the same; and in case such Insolvent shall neglect or refuse to appear before such Court, at such Time and Place as shall be directed by such Order, or shall refuse to be sworn, or to answer to such Questions as shall be put to him relating to the Discovery of his said Estate and Effects, then and in any of such Cases it shall be lawful for such Court by Warrant to commit such Insolvent to Gaol, there to remain without Bail or Mainprize, until such Time as he shall submit himself to the Order of such Court in that Behalf, and shall answer upon Oath or otherwise, as shall be required, to all such lawful Questions as shall be put to him in pursuance of the same, for the Purposes aforesaid.

Where Estate pays One Third of Insolvent's Debts, or where Creditors to that Amount consent, Court may grant an Order Nisi for final Discharge of Insolvent, appoint Time for Hearing, and direct Notices to be given.

LIX. And be it enacted, That whenever it shall appear that the Estate of any Insolvent which has come to the Hands of his Assignee has sufficed to pay One Third of his Debts admitted or established in the Matter of the said Insolvency, or that a Majority in Number and Value of the Creditors whose Debts are admitted by the Schedule, or established by Proof, have consented to such Application, it shall be lawful for the said Court, at any Time after the Hearing of his Petition, upon the Application of the Insolvent by Petition, which may be in the Form contained in the Schedule (E.) to this Act annexed, with such Variations as the Case may require, to make an Order Nisi for his Discharge in the Nature of a Certificate, and such Order shall specify the Creditors whose Demands are thereby sought to be discharged, and shall appoint a Time for the further Hearing of the said Petition, and shall direct such Notice to be given of such Order in the meantime as it shall think fit, and in case any of the Creditors against whom such Discharge shall be sought shall appear to the Court to be resident without the Limits of the Charter of the *East India* Company, to cause Notice of such Order, or of so much thereof as may appear necessary, to be inserted in the Gazette of the Presidency; and the Chief Secretary of the Government of the Presidency shall thereafter, without Delay, transmit Copies of such Gazettes containing such Notice as aforesaid, by separate Conveyances, to the Court of Directors of the *East India* Company, who shall, without Delay, cause an Extract from such Gazette to be inserted in the *London Gazette*; and upon the further Hearing of such Petition, it shall be lawful for the said Court to make such Order absolute, or to dismiss such Petition, or to adjourn the further Hearing thereof, or to make such Order therein as shall be just; and such Discharge, unless Order shall be made to the contrary, shall extend to and shall discharge the Insolvent personally, and also his after-acquired Property, from the Demands of all the Creditors named in the said Order Nisi: Provided always, that such Order shall not affect any Creditor without the Limits of the Charter of the said *East India* Company, unless Notice of the said Order Nisi shall have been directed to be given in the Gazette in manner aforesaid, and a Period of Twelve Calendar Months shall have elapsed between the Date of the said Order Nisi and the Date of the said Order to make the same absolute: Provided also, that such Order shall not operate

as a Release or Discharge of any Person who was a Partner with such Insolvent, or jointly bound or liable with him.

Court may, upon Application of insolvent Trader, provided he has filed his Schedule, make an Order Nisi for his Discharge, appoint a Time for Hearing, and direct Notices to be given.

LX. And be it enacted, That it shall be lawful for any Insolvent Debtor being such Trader as herein-before is mentioned, who shall have presented a Petition under this Act, or as to whom an Adjudication that he has committed an Act of Insolvency shall have been made under this Act, provided he shall have filed his Schedule, to apply to the said Court by Petition, which may be in the Form contained in the Schedule (F.) to this Act annexed, with such Variations as the Case may require; and that it shall be lawful for the said Court, upon such Petition, to make an Order Nisi for his Discharge in the Nature of a Certificate, and to appoint a Time for the further Hearing of the said Petition, and to direct such Notices to be given of such Order in the meantime as it shall think fit, and in case any of the Creditors against whom such Discharge shall be sought shall appear to the Court to be resident without the Limits of the Charter of the *East India* Company, to cause Notice of such Order to be inserted in the Gazette of the Presidency; and the Chief Secretary of the Government of the Presidency shall thereafter without Delay transmit Copies of such Gazettes containing such Notice as aforesaid, by separate Conveyances, to the Court of Directors of the said *East India* Company, who shall without Delay cause an Extract from such Gazette containing such Notice to be inserted in the *London Gazette;* and upon the further hearing of the said Petition it shall be lawful for the said Court to make such Order absolute, or to dismiss such Petition, or to adjourn the further hearing thereof, or to make such Order therein as shall be just; and such Discharge, unless such Order shall be made to the contrary, shall extend to and shall discharge the Insolvent personally, and also his after-acquired Property, from all Demands which would be discharged by a Certificate under the Bankrupt Laws, granted under a Fiat bearing even Date with the Insolvent's Petition, or with the Adjudication, as the Case may be: Provided always, that such Order shall not affect any Creditor without the Limits aforesaid, unless Notice of the said Order Nisi shall have been directed to be given in the *London Gazette* in manner aforesaid, and a Period of Twelve Months shall have elapsed between the Date of the said Order Nisi and the Date of the said Order to make the same absolute: Provided also, that such Order shall not operate as a Release or Discharge of any Person who was Partner with such Insolvent, or jointly bound or liable with him.

If Insolvent, discharged by such Order, be again sued in respect of former Debts, Court may, on his Application, order Proceedings to be stayed, and award Costs.

LXI. And be it enacted, That if any such Insolvent, his Heirs, Executors, or Administrators, shall, after such Order for Discharge in the Nature of a Certificate under this Act as aforesaid, be sued or arrested either on Mesne or Final Process, or Execution shall issue against his or their Property, for any Debt, Claim, or Demand from which the said Insolvent shall have been discharged by such Order, on his or their Application to any Court having Power to stay such Proceedings, or to discharge from such Arrest, or to set aside such Execution, and upon Proof to the Satisfaction of such Court of such Order, and that the Debt or Claim for which such Proceedings are had

had is the same from which the said Insolvent has been discharged by such Order as aforesaid, such Proceedings shall be stayed, and he or they shall be discharged from such Arrest, and such Process of Execution shall be set aside, and all further Proceedings in the Suit in which such Arrest or such Execution was shall also be stayed, and the said Court shall have Power to award Costs to the said Insolvent, or his Heirs, Executors, or Administrators, as aforesaid, in case the said Proceedings shall appear to the said Court to have been taken after Notice of the said Order, and without any reasonable Cause for impeaching the same, or to have been otherwise oppressive or vexatious.

Nothing in this Act to affect Debts, Penalties, &c. due to the Crown.

LXII. Provided always, and be it enacted, That no Debt due to our Sovereign Lady the Queen, nor any Fine, Penalty, or Forfeiture whatsoever, nor any Recognizance whereby a Debt is acknowledged to the Queen, nor any Debt due on account of any Fine, Penalty, or Forfeiture, or any Estreat, shall be deemed or taken to be such a Debt or Debts as to entitle any Person or Persons to petition as is before mentioned, nor shall any Person be entitled to receive any Dividend for the same under this Act, nor shall any such Fines, Penalties, Forfeitures, Recognizances, Debts, or Estreats be in any way discharged or affected by any thing done under this Act, otherwise than they might and would have been discharged or affected if this Act had not been passed.

Special Provisions for insolvent married Women;

LXIII. And be it enacted, That the Provisions of this Act shall extend to married Women, and that the Order vesting the Estate and Effects of such married Woman in the Official Assignee shall extend to and operate upon her Interest in any Property, Real or Personal, in possession, reversion, remainder, or expectancy, subject to any Rights of her Husband therein, and to all Property over which she shall have any beneficial Power of Disposition, notwithstanding her Coverture, to the Extent of the Benefit which she might acquire therein by the Exercise of such Power; but that the same shall not extend to her Wearing Apparel, Bedding, and other such Necessaries, not exceeding in the whole the Value of Two hundred Company's Rupees: Provided always, that the Discharge of any married Woman under the Provisions of this Act shall not extend to discharge her Husband from any Debt in respect of which his Wife shall be so discharged, but such Debt, as far as the same shall remain unpaid and unsatisfied, shall be chargeable upon and in force against such Husband, as fully to all Intents and Purposes as if his Wife had not obtained such Discharge.

and for insolvent Lunatics.

LXIV. And be it enacted, That if any such Prisoner for Debt as aforesaid shall be or become of unsound Mind, and be therefore incapable of taking the Benefit of this Act in such Manner as he might have done if of sound Mind, the Gaoler or Keeper of the Prison wherein such Prisoner shall be shall give Information thereof to the Court for the Relief of Insolvent Debtors of the Presidency wherein such Prison shall be situated, which Court may thereupon proceed to inquire touching and respecting the State of the Prisoner's Mind, by Examination of Witnesses upon Oath or solemn Affirmation, or by such

such other Means as it shall think fit; and if such Court shall conclude that the Prisoner is of unsound Mind, it shall be lawful for such Court, at the Instance of any Person on behalf of such Prisoner, to order Notice to be twice inserted in the Gazette of such Presidency, and in such Notice to specify and direct that Application shall be made to such Court for the Discharge of such Prisoner on a Day to be specified in such Notice, being Twenty Days at least from the first Time of Publication of such Notice; which Notice, together with Service of the Notice on the Creditor or Creditors at whose Suit such Prisoner shall be detained in Custody, or his, her, or their Attorney, shall be deemed sufficient to authorize such Court to proceed to the Discharge of such Prisoner, and such Court shall proceed accordingly, and discharge such Prisoner: Provided always, that all and every the Estate, Right, Title, Interest in Law and Equity, Real and Personal, Power, Benefit, and Emolument whatsoever, which would vest in the Official Assignee under a Vesting Order in the Case of a Petition by such Insolvent if he were of sound Mind, shall, by force and virtue of the Order for the Discharge of such Prisoner, be vested in the Official Assignee in the Manner and for the Purposes hereinbefore mentioned.

Warrants of Attorney and Cognovits to be void unless filed in Six Weeks after Execution.

LXV. And be it enacted, That after the Time appointed for this Act to take effect every Warrant of Attorney to confess Judgment in any Personal Action in any of Her Majesty's Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively, and every Cognovit actionem given by any Defendant in any Personal Action which shall be pending in any of the said Courts, shall, within Six Weeks after the Execution of such Warrant or Cognovit, be filed, together with an Affidavit of the Time of the Execution thereof, with the Prothonotary or other proper Officer of the Court in which the Judgment is confessed or the Action is pending; and every such Warrant of Attorney and Cognovit actionem as aforesaid, which shall not be so filed as aforesaid, shall be deemed fraudulent, null, and void, to all Intents and Purposes; and if any Warrant or Cognovit which shall be so filed as aforesaid shall have been given subject to any Defeazance or Condition, such Defeazance or Condition shall be written on the same Paper or Parchment on which such Warrant or Cognovit shall be written before the Time when it shall be filed, otherwise such Warrant or Cognovit shall be null and void to all Intents and Purposes.

Prothonotary, &c. to keep Books for Registry of Warrants of Attorney and Cognovits, pursuant to 3 G. 4. c. 39.

LXVI. And be it enacted, That the Prothonotary or other proper Officer of Her Majesty's Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively shall cause every Warrant of Attorney and Cognovit Actionem in any Personal Action filed in his Office to be numbered, and shall keep a Book or Books in his said Office, in which he shall cause to be entered an alphabetical List of all such Warrants and Cognovits according to the Form of a Schedule annexed to an Act passed in the Third Year of His late Majesty King *George* the Fourth, intituled *An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment*; which Book or Books, and every Warrant of Attorney and Cognovit actionem filed as aforesaid, shall and may be searched and viewed at all Times upon Payment of the Fees lawfully established.

Court may order Memorandum of Satisfaction to be endorsed.

LXVII. And be it enacted, That it shall be lawful for the Court in which any such Warrant or Cognovit is filed to order a Memorandum of Satisfaction to be written upon any such Warrant or Cognovit, if it shall appear to such Court that the Debt for which such Warrant or Cognovit was given as a Security shall have been satisfied or discharged.

Affidavits and Affirmations may be sworn, &c. before Courts, &c. appointed for that Purpose.

LXVIII. And be it enacted, That Affidavits and Affirmations to be used before any Court for the Relief of Insolvent Debtors, or any Officer of such Court, may be sworn and affirmed before such Court, or any Commissioner or other Person appointed by such Court for that Purpose, or any Judge or Commissioner for taking Affidavits in any of Her Majesty's Courts of Record within the Limits of the said *East India* Company's Charter, or before any Master or Master Extraordinary in Chancery in *England* or *Ireland*, or any Magistrate authorized to take Affidavits or Affirmations in *Scotland*.

Penalty for Perjury, or for forging or counterfeiting the Seal of any Court.

LXIX. And be it enacted, That if any Person, in any Proceeding, Examination, Affidavit, or Affirmation had or taken under this Act, shall wilfully and corruptly swear or affirm falsely, or shall forge or counterfeit the Seal of any of the said Courts, or knowingly concur in using any such forged or counterfeit Seal, for the Purpose of authenticating any Proceedings or Document, it shall be lawful for any Court before which any such Person shall be convicted of any such Offence by due Course of Law to order and adjudge such Person to be transported to such Place and for such Term as the Court shall direct, or in either Case to order and adjudge that such Person shall be imprisoned and fined, or imprisoned or fined only, for such Time, and to such Amount, and in such Manner as the same Court shall direct.

Penalty for Embezzlement or Concealment of Effects, Books, Papers, &c.

LXX. And be it enacted, That if any Insolvent who shall have filed a Petition for Relief, or against whom any such Adjudication as aforesaid of an Act of Insolvency shall have been made in any of the said Courts for the Relief of Insolvent Debtors in *India*, or any other Person, shall wilfully and fraudulently embezzle or conceal or remove any Part of the Real and Personal Estate or Effects of such Insolvent, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud his Creditors, or shall destroy, alter, mutilate, or falsify any of his Books, Papers, Writings, or Securities, or make or be privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud his Creditors, it shall be lawful for any Court before which any such Person shall be convicted of any such Offence by due Course of Law to order and adjudge that such Person shall be transported to such Place and for such Term of Years as the said Court shall direct, or to order and adjudge that such Person shall be imprisoned and fined, or imprisoned or fined only, for such Time, and to such Amount, and in such Manner as the same Court shall direct.

Application of Fines imposed for the foregoing Offences.

LXXI. And be it enacted, That whenever any Person or Persons shall have been ordered and adjudged, under the Provisions of this Act, to pay any Fine for any Forgery or Perjury, or Embezzlement or Concealment, or any other such Offence as lastly herein-before is

mentioned,

mentioned, and such Fine shall have been paid, it shall be lawful for any Assignee or Assignees in whom the Estate and Effects of any Insolvent or Insolvents shall be duly vested according to the Provisions of this Act to apply to the Court by which such Fine shall have been imposed; and if it shall be proved to the Satisfaction of the same Court that the Creditors for whose Benefit the said Assignee or Assignees shall hold in trust the said Estate and Effects have been defrauded, or have incurred Loss, by means of such Forgery, Perjury, Embezzlement, Concealment, or other Offence as aforesaid, the said Court by which the said Fine shall have been imposed may direct the same to be paid, after deducting the Costs of Prosecution, to the said Assignee or Assignees, for the Use and Benefit of the said Creditors: Provided always, that if no such Application shall be made by such Assignee or Assignees within One Year after any such Fine shall have been paid, it shall be lawful for the Court by which such Fine shall have been imposed to appropriate, apply, and to pay over such Fine to such Uses, Purposes, and Persons, and in such Manner, as any other Fine imposed by the same Court for any other Crime or Misdemeanor may be lawfully appropriated, applied, and paid over.

Any Person interested in Proceedings before the Court may, on making a Deposit, require the Evidence, &c. to be taken down by a sworn Officer of the Court.

LXXII. And be it enacted, That any Person who shall be interested in any Proceeding of any of the said Courts for the Relief of Insolvent Debtors, upon depositing with the proper Officer of the Court a Sum of Money, of which the Amount shall be fixed by the Court, may require that the whole of the Evidence relating to any such Proceeding may be taken down in Writing by a sworn Officer of the Court, and the same shall be done accordingly; and in case such Person shall not within One Calendar Month thereafter present a Petition of Appeal as is herein-after directed, it shall be lawful for the Court in which such Evidence shall have been so taken down in Writing as aforesaid to pay the reasonable Costs and Expenses thereof out of the Money which shall have been so deposited as aforesaid, returning the Surplus, if any, to the Person who shall have deposited the same.

Power of Appeal to the Supreme Court of the Presidency.

LXXIII. And be it enacted, That it shall be lawful for any Person who shall think himself aggrieved by any Adjudication, Order, or Proceeding of any such Court for the Relief of Insolvent Debtors to present, within One Calendar Month thereafter, a Petition to the Supreme Court of Judicature of the Presidency; and it shall be lawful for such Court to order that the whole of the Evidence, if any, which shall have been so taken down in Writing as aforesaid, and the Minutes and Records of the Proceedings of which Complaint shall have been made, shall be brought before it; and the said last-mentioned Court shall inquire into the Matter of the Petition, and of such Proceedings and Evidence, and shall make such Order thereon as to the same Court shall seem meet and just, and shall thereby direct by whom and in what Manner the Costs of such Petition, and of the Proceedings which shall have been had thereon, and of the taking down of any such Evidence in Writing, and of the Proceedings of which Complaint shall have been made, shall be paid; and such Order shall be final and conclusive as to all Parties, and shall be compulsory

pulsory and binding upon the Court in which such Proceedings so complained of shall have been had.

Officers of Courts to produce Proceedings and give Copies thereof.

LXXIV. And be it enacted, That the proper Officer of the several Courts for the Relief of Insolvent Debtors shall, on the reasonable Request of any such Insolvent as aforesaid, or of any Creditor or Creditors of such Insolvent, or his, her, or their Attorney, produce and show to such Insolvent, Creditor or Creditors, and his, her, or their Attorney, at such Times as such Courts respectively shall direct, every Petition, Schedule, Order of Adjudication, and all other Orders and Proceedings made and had relating to such Insolvent; and the said Court shall order the Assignees of such Insolvent, or the said Officer of the Court, as the Case may be, to permit the said Insolvent, Creditor or Creditors, or their respective Attornies, to have Inspection, at all reasonable Times, of all Books, Papers, and Writings relating to the Matters of the said Insolvency, and the Estate of the said Insolvent in the Possession of such Assignees, or filed in Court in such Matter, and permit him, her, or them to inspect and examine the same; and such Officer or such Assignees as aforesaid shall provide for any such Insolvent, or Creditor or Creditors, or his, her, or their Attorney requiring the same, a Copy or Copies of such Petition or other Proceedings, Books, Papers, and Writings as aforesaid, or of such Part thereof as shall be required, receiving such Fee or Sum or Rate of Charge as such Court shall appoint for so providing the same; and that a Copy of such Petition, Schedule, Order, and other Orders and Proceedings as aforesaid, purporting to be signed by the Officer in whose Custody the same shall be, or his Deputy, certifying the same to be a true Copy of such Petition, Schedule, Order, or other Proceedings, and appearing to be sealed with the Seal of the said Courts respectively, shall at all Times, and on behalf of all Persons, and whether for the Purposes of this Act or otherwise, be admitted in all Courts whatever, and before Commissioners of Bankrupt and Justices of the Peace, without any Proof of such Seal or other Proof whatsoever, as sufficient Evidence of the same.

Conveyances, &c. under this Act not liable to Stamp Duties, nor Sales directed by the Court to Auction Duty.

LXXV. And be it enacted, That no Conveyance, Assignment, Letter of Attorney, Affidavit, Certificate, or other Proceeding, Instrument, or Writings whatsoever, before or under any Order of any of such Courts for Relief of Insolvent Debtors, nor any Copy thereof, nor any Advertisement inserted in any Newspaper by Direction of any such Court, relating to Matters within the Jurisdiction of such Court, shall be liable to or chargeable or charged with the Payment of any Stamp or other Duty whatsoever; and that no Sale of any Real or Personal Estate of any such Insolvent as aforesaid, for the Benefit of his or her Creditors under this Act, shall be liable to any Auction Duty.

Supreme Courts may make Rules and Regulations, and may alter and

LXXVI. And be it enacted, That Her Majesty's Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively shall respectively have Power from Time to Time to make all necessary and reasonable Rules, not inconsistent with the Provisions of this Act, for facilitating and carrying into effect within their respective Jurisdictions the Relief intended to be given by this Act in Cases for which sufficient

sufficient Provision has not been thereby made, and from Time to Time to alter and vary such Rules; all which Rules shall from Time to Time be transmitted to the President of the Board of Commissioners for the Affairs of *India*, to be laid before Her Majesty for Her Royal Approbation, Correction, or Revision.

amend the same, subject to Her Majesty's Approval.

LXXVII. And be it enacted, That the filing of a Petition by any Insolvent Debtor under this Act, and the Adjudication of an Act of Insolvency under this Act, shall, for the Purpose of the Laws concerning Bankrupts in *England*, be accounted and adjudged conclusive Evidence of an Act of Bankruptcy committed by such Insolvent at the Time of filing his Petition, or of filing the Petition on which the Adjudication shall be made, if the Insolvent shall then be a Person subject to the Laws then in force respecting Bankrupts; and any Creditor or Creditors of such Insolvent whose Debt or Debts shall be of sufficient Amount to enable him or them by Law to petition for a Fiat in Bankruptcy may, at any Time within Two Months after Notice of the Insolvency shall have been given in the *London Gazette* as herein-after is directed, sue out a Fiat in Bankruptcy in that Part of the United Kingdom called *England*, against such Insolvent, under which all such Proceedings may be had and taken as are authorized and directed, or shall be authorized and directed, by any Statute or Statutes now in force or hereafter to be passed respecting Bankrupts, except as herein-after provided.

Filing of Petition by Insolvent, and Adjudication of an Act of Insolvency, conclusive Evidence of an Act of Bankruptcy committed by Insolvent.

LXXVIII. And be it enacted, That when any Creditor or Creditors resident within the Limits of the Charter of the *East India* Company shall be desirous of suing out such Fiat in Bankruptcy against any such insolvent Trader, it shall be lawful for such Person or Persons to make Proof of his or their Debt or Debts before any of the said Courts for the Relief of Insolvent Debtors, which Proof shall be certified under the Seal of such Court; and the Production of the Certificate thereof, so sealed as aforesaid, shall, without any Proof of the Genuineness of such Certificate or of such Seal, be sufficient Evidence of a Petitioning Creditor's Debt to warrant the issuing of a Fiat, and also to authorize all further Proceedings thereon.

Creditor may issue Fiat in Bankruptcy thereupon;

LXXIX. Provided always, and be it enacted, That in the Case of the issuing of any Fiat in Bankruptcy against any such Insolvent Trader, such Fiat shall not in any Manner affect, invalidate, or make void any Acts or Proceedings had or done before the issuing of such Fiat of or by or under the Authority of any Court for the Relief of Insolvent Debtors in *India*, either by any Assignee or Assignees, or any other Person or Persons acting either mediately or immediately under the Authority of any such Court, and whether without or within the Limits of the Charter of the said *East India* Company; nor shall such Fiat in any Manner affect, invalidate, or make void any such Acts or Proceedings as aforesaid had or done after the issuing of such Fiat, respecting any Property or Interest whatsoever of such Insolvent, Real or Personal, or other Matter, Thing, or Person whatsoever within the said Limits; nor shall the Assignee or Assignees under any such Fiat in Bankruptcy acquire any Right or Title to take

but such Fiat not to invalidate or make void any Proceedings had by Insolvent Debtors Court before the issuing of such Fiat.

possession of, demand, sue for, or recover any Property or Interest whatsoever, Real or Personal, of such Insolvent, within the Limits aforesaid; but the Assignee or Assignees under such Insolvency shall, notwithstanding such Fiat in Bankruptcy, have full Power and Control over all the Real and Personal Property of such Insolvent within the Limits aforesaid, as well as over that without the Limits aforesaid, of which they may have taken actual Possession before the issuing of such Fiat, and shall have the Distribution and Management of all such Property, as fully and effectually as if such Fiat in Bankruptcy had not issued.

Creditors having proved under Insolvency to be admitted as Creditors without further Proof under the Bankruptcy, and Creditors under Bankruptcy to receive Dividends on Debts under Insolvency.

LXXX. And be it enacted, That all the Creditors of any such Insolvent whose Debts shall have been admitted or allowed by any Court for the Relief of Insolvent Debtors in *India* shall, without further Proof, be entitled to be admitted as Creditors under any such Fiat in Bankruptcy as aforesaid, for the Purpose of receiving an equal Dividend upon the Estate of such Bankrupt with the Creditors who shall have proved their Debts under such Fiat; and in like Manner all Creditors under such Fiat whose Debts shall have been duly established shall be entitled to be admitted as Creditors, without further Proof, in such Court for the Relief of Insolvent Debtors, for the Purpose of receiving an equal Dividend upon the Estate of such Insolvent with the Creditors whose Debts shall have been allowed in such Court.

Insolvent made Bankrupt not liable to Penalty for not surrendering until 42 Days after Arrival.

LXXXI. Provided always, and be it enacted, That when any such Insolvent shall be declared Bankrupt upon the sole Ground herein-before mentioned, he shall not be required to surrender or be liable to any Penalty for not surrendering himself to be examined under his Commission until Forty-two Days after he shall have come into some Part of the said United Kingdom of *Great Britain* and *Ireland*.

Notices of Insolvency, &c. to be inserted in the Gazettes of the Presidencies and the London Gazette.

LXXXII. And be it enacted, That the principal Officer of the respective Courts for the Relief of Insolvent Debtors shall cause Notices to be inserted in the Gazettes of the respective Presidencies within which such Courts shall be holden of every Petition which shall be filed in any of the said Courts by any Insolvent for Relief under this Act, and of every Adjudication of an Act of Insolvency, and of every Confirmation or Revocation thereof, together with the Dates of the same respectively, and, in the Case of an Adjudication, the Date of the Petition on which the same is grounded, forthwith after the filing of such Petition or pronouncing such Adjudication or such Confirmation or Revocation respectively; and that the Chief Secretary of the Government of the said Presidencies respectively shall, without Delay, transmit to the Court of Directors of the said *East India* Company Two or more Copies at least of every such Gazette which shall contain any such Notice as aforesaid, who shall, without Delay after the Receipt thereof, cause such Notice to be inserted in the *London Gazette*; and the Production of the *London Gazette* containing any such Notice as aforesaid shall be deemed and taken by all Commissioners of Bankruptcy and all Courts whatsoever to be sufficient Evidence of the filing of the Petition of such

Insolvent in such Court as aforesaid, and of such Adjudication of Insolvency, and of such Confirmation or Revocation thereof, and of the Dates of the same Proceedings respectively, and, in the Case of any Adjudication, of the Date of the Petition on which the same is grounded.

Order for Discharge of Insolvent Debtor not to operate as a Discharge to the Debts, &c. of any Creditor not resident within the Limits of the Charter.

LXXXIII. Provided always, and be it enacted, That in case any Fiat in Bankruptcy, whether under the Provisions of this Act or otherwise, shall be issued against such insolvent Trader as aforesaid, upon which such Insolvent shall be declared a Bankrupt before such Order for Discharge in the Nature of a Certificate as herein-before mentioned, then and in such Case such Order shall not operate as a Discharge from the Debt, Claim, and Demand of any Creditor who shall not have been resident within the Limits aforesaid at any Time between the filing of the Insolvent's Petition or the Adjudication, as the Case may be, and the making of such Order: Provided always, that when such Insolvent shall be indebted or liable to Two or more Persons jointly, if any One of such joint Creditors shall have been resident within the Limits aforesaid within the Time aforesaid, such Certificate shall operate against all such joint Creditors as aforesaid, notwithstanding the Non-residency within the Limits aforesaid of some of the said joint Creditors.

Proviso as to joint Creditors.

Power of Court of Bankruptcy in certain Cases to grant Certificates to Insolvents.

LXXXIV. Provided always, and be it enacted, That in case any Fiat in Bankruptcy shall be issued against such insolvent Trader as aforesaid, upon which he shall be declared a Bankrupt before such Order for Discharge in the Nature of a Certificate as herein-before mentioned, if it shall afterwards be made to appear to any Commissioner, Judge, or Court in Bankruptcy having Authority to grant a Bankrupt's Certificate, that such Order has been made by the Court in the *East Indies* as aforesaid, such Commissioner, Judge, or Court as aforesaid may, if he think fit, thereupon grant the Certificate of such Bankrupt, which shall have the same Force and Effect, both without and within the Limits aforesaid, as any Certificate duly granted under any Statute or Statutes now in force or hereafter to be in force respecting Bankrupts.

Creditors residing out of the Limits may inspect Proceedings transmitted from India to the Court of Directors.

LXXXV. And be it enacted, That whenever it shall appear by the Schedule of any such Insolvent as aforesaid that any of the Creditors are resident out of the Limits aforesaid, the principal Officer of the said Court for the Relief of Insolvent Debtors shall, as soon as conveniently may be after the filing of such Schedule, transmit Two or more Copies thereof to the Chief Secretary of the Government of the Presidency within which such Court is situate, who shall transmit the same to the Court of Directors as soon as conveniently may be after the Receipt thereof; and the said Court of Directors shall retain the same, and permit any Person or Persons, being a Creditor or Creditors of any such Insolvent Debtor, at all reasonable Times to inspect and examine such Schedule, and shall, upon the Request and at the reasonable Costs and Charges of any such Creditor or Creditors, such Costs or Charges to be regulated by the said Court of Directors, provide for him or them a Copy or Copies of any such Schedule.

LXXXVI. And

Courts may order Judgment to be entered up for the Amount of the Debts stated in Insolvent's Schedule.

LXXXVI. Provided always, and be it enacted, That in all Cases where any Insolvent shall not have obtained his Discharge in the Nature of a Certificate as aforesaid under this Act, the said Court for the Relief of Insolvent Debtors may, if in the Circumstances of the Case it shall think fit, before making such Order for such Discharge, direct a Judgment to be entered up against such Insolvent in the Supreme Court of the Presidency within which such Court for the Relief of Insolvent Debtors shall be situate in the Name of the Assignee or Assignees, or of such Official Assignee as the Court shall think fit, for the Amount of the Debts or Demands stated in the Schedule of such Insolvent as due or claimed, and of such as shall be established in the said Court against the said Insolvent's Estate, or so much thereof as shall appear at the Time of such Order to be due, which said Order shall be filed in the said Court for the Relief of Insolvent Debtors in *India;* and the Production of such Order, or of a Copy of such Order, under the Seal of the said Court, of which Order, Copy, and Seal no Proof shall be requisite, other than the Production of such Order or Copy, shall be sufficient Authority to the proper Officer for entering up the said Judgment; and then and in every such Case, and notwithstanding the Provisions herein-before contained, if at any Time it shall appear to the Satisfaction of the said Court that such Insolvent is of Ability to pay such Debts or Demands, or any Part thereof, or that he is dead, leaving Assets for such Purpose, and that under the Circumstances the same is reasonable and proper, the said Court may, if it shall think fit, order Execution to be taken out upon such Judgment against the Property of such Insolvent, whether the same may or may not be by Law vested in his Assignee or Assignees, for such Sum of Money as under all the Circumstances of the Case the said Court shall order, such Sum to be distributed rateably amongst the Creditors of such Insolvent according to the Mode herein-before directed in the Case of a Dividend, and such further Proceedings may be had upon such Judgment as the Court may from Time to Time order, until the said Debts or Demands shall be fully paid and satisfied, and no Scire facias shall be necessary to revive or to execute such Judgment on account of any Lapse of Time or Change of Parties, or otherwise, but Execution shall at all Times issue thereon by virtue of the Order of the said Court for the Relief of Insolvent Debtors from Time to Time: Provided always, that in case any Application against any such Insolvent for the Purpose aforesaid shall appear to the Court to be vexatious or oppressive, it shall be lawful for the said Court, not only to refuse to make any Order on such Application, but also to dismiss the same, with such Costs against the Party making the same as to the said Court shall appear reasonable.

Execution on the same may be issued against future Assets of Insolvent.

And when the said Judgment is discharged and satisfied, Court may order Satisfaction to be entered up on such Judgment.

LXXXVII. And be it enacted, That when the Debts or Demands in respect of which such Judgment shall have been entered up as aforesaid shall have been discharged and satisfied, it shall be lawful for such Court, upon Application of the Insolvent, his Heirs, Executors, or Administrators, to direct Satisfaction to be entered on such Judgment, and the Production of the Order of the said Court for entering up such Satisfaction, or of a Copy thereof, under Seal of the said Court, of which said Order or Copy or Seal no Proof shall be requisite,

requisite, other than the Production of such Order or Copy as aforesaid, shall be a sufficient Authority to the proper Officer for entering up the same; and that if in any Case it shall appear to the Satisfaction of the said Court that after the said Debts and Demands shall have been so discharged and satisfied as aforesaid there shall remain in the Possession or subject to the Control of his Assignee or Assignees any Property of any Kind or Description whatsoever which has come to such Assignee or Assignees, or to which he or they may claim Title by virtue of the Order made in that Behalf, or otherwise by virtue of his or their Office of Assignee or Assignees, it shall be lawful for the said Court, on such Application as aforesaid, to order that all such Property so remaining as aforesaid shall be vested in the Party so applying, and be forthwith delivered up to the said Party, and such Order shall have the Effect of vesting the same accordingly, and the same shall be forthwith delivered up to the said Party.

After 31st Oct. 1848 this Act extended to the Settlement of Prince of WalesIsland, Singapore, and Malacca.

LXXXVIII. And whereas it is desirable to extend the Benefit of this Act to Insolvent Debtors at the Settlement of *Prince of Wales Island*, *Singapore*, and *Malacca*; be it therefore enacted, That from and after the Thirty-first Day of *October* One thousand eight hundred and forty-eight there shall be holden within the said Settlement of *Prince of Wales Island*, *Singapore*, and *Malacca* a Court for the Relief of Insolvent Debtors, which shall be a Court of Record, and shall be styled "The Court for Relief of Insolvent Debtors," and that the Court of Judicature of *Prince of Wales Island*, *Singapore*, and *Malacca* shall from Time to Time appoint such of their Officers, or, if the Officers of such Court shall be found insufficient, such additional Officers as may be necessary to transact the Business of such Court for the Relief of Insolvent Debtors, and to act as Official Assignees, Examiners, and ministerial Officers of such Court.

A Court to be established in such Settlement, and held Four Times a Year by the Recorder.

LXXXIX. And be it enacted, That a Court of Relief of Insolvent Debtors shall be holden within the said Settlement at such Place or Places as may be found most convenient, and as often as may be found necessary, and at least Four Times a Year, by the Recorder of *Prince of Wales Island*, *Singapore*, and *Malacca*, and it shall be lawful for such Court to adjourn from Time to Time; and the said Court of Judicature shall have Power and is hereby directed from Time to Time to establish Rules as to the Advocates and Attornies or Agents who may practise in the said Court for the Relief of Insolvent Debtors, and from Time to Time to establish Rules to regulate the Proceedings of such Court, and especially to prescribe in what Manner Notice shall be given to the Creditors of Parties applying for Relief under this Act, and in what Cases besides those mentioned in this Act Costs may be awarded, and shall prepare and cause to be sealed with its Seal a sufficient and proper List of Fees to be charged and received by the Officers of the said Court for the Relief of Insolvent Debtors, and shall and may from Time to Time alter and vary such List as may appear fit and proper, and shall certify under its Seal and transmit Copies of such Rules and Lists of Fees to the Court of Directors of the *East India* Company, to be by them or their Order delivered with their Observations thereon to the President of the Board of Commissioners of the Affairs of *India*, in order for the same

to be laid before Her Majesty for Her Royal Approbation, Correction, or Revision; and other Copies of the same shall at all Times be fixed in some conspicuous Place in the Court for the Relief of Insolvent Debtors; and no other Fee or Gratuity shall be received or taken by any Officer, Attorney, or Agent practising in such last-mentioned Court, except such as shall be specified in such Lists.

The several Powers of this Act extended, with certain Exceptions, to the Settlement of Prince of WalesIsland, Singapore, and Malacca.

XC. And be it enacted, That the several Powers, Provisions, and Clauses herein-before contained, subsequent to the Clause or Provision for regulating the Fees to be taken in the Courts for the Relief of Insolvent Debtors in *India*, shall apply and take effect in and with reference to the said Settlement of *Prince of Wales Island*, *Singapore*, and *Malacca* in the same Manner in all respects as if the said Powers, Provisions, and Clauses respectively were here repeated and re-enacted with reference thereto; and that in applying this last-mentioned Provision the said Court of Judicature at the said Settlement shall stand and be read in the Place of and for the Supreme Court of Judicature at *Calcutta*, and the Court for the Relief of Insolvent Debtors at the said Settlement in the Place of and for the said Court for the Relief of Insolvent Debtors at *Calcutta*, and the said Settlement in the Place of and for the Presidency of *Fort William* and Town of *Calcutta* respectively; and where in any Provision herein-before contained any Sum in Rupees is mentioned, such Provision shall apply in the said Settlement as if a corresponding Sum in Dollars, at the Rate of Two and a Half Rupees to the Dollar, had been mentioned in such Provision; and where in any Provision herein-before contained any Period of Time is mentioned having reference to any Act to be done out of the United Kingdom, after Notice to be published in the *London Gazette*, such Provision shall apply in the said Settlement as if an additional Period of Four Calendar Months had been mentioned therein; and the several Schedules to this Act shall be applicable in the same Manner as if the same formed Part of the Clauses or Provisions referring to the same respectively.

Rules, &c. directed to be transmitted for Her Majesty's Approbation shall be in force till the Return of the same.

XCI. And be it enacted, That where any Rules or other Matters are herein-before directed to be transmitted for Her Majesty's Approbation, Correction, or Revision, the same respectively shall in the meantime be of full Force and shall so continue until the Expiration of Fourteen Days after the Court by whose Authority such Rules or other Matters shall have been made shall have received from the President of the Board of Commissioners for the Affairs of *India* a Communication of Her Majesty's Disallowance thereof, or of any Alterations directed by Her Majesty to be made therein.

Interpretation of Act.

XCII. And be it enacted, That whenever this Statute hath used the Words "Court for Relief of Insolvent Debtors," or any Words of Reference to the same, they shall include each Court for the Relief of Insolvent Debtors at *Calcutta*, *Madras*, and *Bombay* respectively; and Words describing the Petition of any Insolvent shall include the joint Petition of Two or more Insolvents, and all Provisions as to the one shall apply to the other; and Words importing the Singular Number or Masculine Gender only shall be understood to include several Matters as well as one Matter, and several Persons as well

as one Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise provided, or there be something in the Subject or Context repugnant to such Construction.

Commencement of Act.

XCIII. And be it enacted, That this Act shall, as to all Matters not otherwise provided for, commence and come into operation on the First Day of *August* One thousand eight hundred and forty-eight.

This Act not to affect a certain Act of the Governor General in Council of 1841.

XCIV. Provided always, and be it enacted, That nothing in this Act contained shall affect an Act passed by the Right Honourable the Governor General of *India* in Council, in One thousand eight hundred and forty-one, for appropriating the unclaimed Dividends of Insolvent Estates.

SCHE-

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Petition by Insolvent in Custody.

In the Court for Relief of Insolvent Debtors.

In the Matter of an Insolvent.

To the Honourable the Commissioners of the said Court, the humble Petition of late of

Showeth,

That on the Day of your Petitioner was committed to the Custody of the Sheriff [by virtue of a Writ of issued against your Petitioner at the Suit of the for the Sum of], [and that Detainers have since been lodged against him at the Suit of and for Sums of and respectively], and that he is now a Prisoner in the Common Gaol under the Process aforesaid.

That he is desirous of obtaining the Benefit of the Act for the Relief of Insolvent Debtors in India.

Your Petitioner therefore humbly prays, that upon Compliance with the Provisions of the said Act he may have the Benefit of the same, and that all necessary Directions may be given for that Purpose.

And your Petitioner, &c.

NOTE.

The Blanks are to be filled up, and the Parts between Brackets omitted or varied according to the Facts.

The Petition is to be signed by the Insolvent, and witnessed by the Gaoler.

A similar Form is to be adopted in the Case of a joint Petition.

SCHE-

SCHEDULE (B.)

Form of Petition of Insolvent not in Custody.

In the Court for the Relief of Insolvent Debtors.

In the Matter of an Insolvent.

To the Honourable the Commissioners of the said Court, the humble Petition of of

Showeth,

That your Petitioner is in insolvent Circumstances.

That he is now residing at within the Jurisdiction of the Supreme Court of

That he is desirous of obtaining the Benefit of the Act for the Relief of Insolvent Debtors in India.

Your Petitioner therefore humbly prays, that upon Compliance with the Provisions of the said Act he may have the Benefit of the same, and that all necessary Directions may be given for that Purpose.

And your Petitioner, *&c.*

NOTE.

The Petition to be signed by the Petitioner, and witnessed by his Attorney.

SCHEDULE (C.)

In the Court for the Relief of Insolvent Debtors.

The Schedule of

In the Matter of , an Insolvent.

I the said do declare, That this my Schedule doth contain a full and fair Description of me, as to Name, Trade, Profession, and Abode, and of the Debts due or growing due from me, and of all and every Person to whom I am indebted, or who to my Knowledge and Belief claim to be my Creditors, together with the Nature and Amount of such Debts and Claims respectively, distinguishing such as are admitted from such as are disputed by me; and also a full, true, and perfect Account of all my Estate and Effects, Real and Personal, in possession, reversion, remainder, or expectancy, and also of all Places and Employments of Benefit to me, held by me, and also of all Pensions and Allowances which I have in possession or reversion, or which are held by any other Person for me or on my Behalf, or of or from which I derive or may derive any Manner of Benefit, and also of all Rights and Powers which I am, or any other Person in trust for me or for my Use or Benefit are, in any Manner whatever possessed of or interested in or entitled unto, or which I or any other Person in trust for me or for my Benefit have any Power to dispose of, charge, or exercise for my Benefit or Advantage, together with a full, true, and perfect Account of all the Debts due or growing due to me or any Person in trust for me or for my Benefit or Advantage, either solely or jointly with any other Person, and the Names and Places of Abode of the several Persons from whom such Debts are due and growing due, and

of the Witnesses who can prove or other Evidence to prove such Debts, so far as I can set forth the same; and that this my Schedule doth fully and truly describe the Wearing Apparel, Bedding, and other such Necessaries and Working Tools and Implements of myself and my Family which are excepted by me from the Operation of the Act relating to Insolvents in India, together with the Value of such excepted Articles respectively.

CREDITORS.

No.	Names and Description of Creditors of Claimants, and their present or last Residence.	Amount.	When contracted.	Admitted or disputed.	Nature and Consideration of the Debt and Securities, if any; also why disputed, if disputed.
1 &c.					

Where there are cross Demands, the Party must be entered both as Creditor and Debtor, and "set off" must be written under the Amount.

DEBTORS.

No.	Names and Descriptions and Places of Abode of Debtors.	Amount.	When contracted.	Good, bad, or doubtful.	Nature and Consideration of the Debt, also Securities (if any) for the same.	Witnesses, with their Residences, and other Evidence by which the Debt may be proved.

N.B.—If Property has been taken possession of by the Common Assignee, it must nevertheless be fully entered in the Schedule.

PROPERTY

PROPERTY in POSSESSION.

		Supposed Value.		
1. Interest in Land, Houses, Rents, or other Real Estate.	Describe the Quantity of Estate, if less than the absolute Proprietary Right, as Lease for Years, Lease for Lives, &c.; local Description, Names of Tenants, annual Rent or Value; Statement of Incumbrances (if any) thereupon, with Description of them, and Dates.			
2. Goods, Choses in Action -	Household Furniture - - -			
	Wearing Apparel (not excepted) - -			
	Jewels, Trinkets, and Ornaments - -			
	Plate, Linen, China, Glass - - -			
	Wines and other Liquors - - -			
	Books, Prints, and Pictures - -			
	Horses and other Animals - -			
	Carriages - - - - -			
	Farming Stock, Crops, and Implements of Husbandry - - - -			
	Other Crops on Cultivation - -			
	Stock in Trade, Machinery, and Utensils in my Business of - - -			
	Ships and Shares of Ships, describing the Ships by Name, and Master, or other sufficient Description - - -			
	Cash, Bills, Notes, Bonds, &c.; any other Property not particularly specified -			
3. Property in public Securities, Indian or otherwise, Shares in Companies, Annuities, &c.	Describe the Fund, Stock, Company, Security, &c., and state in whose Name, and also when and by whom, the last Dividend or other Payment in respect of the same was received, and Shares of Estate.			
4. Unpaid Legacies - -	Legacies, Shares of Intestates' Estates, with all Particulars concerning the same -			

PROPERTY

PROPERTY in REVERSION, PLACES, PENSIONS, ALLOWANCES, RIGHTS, AND POWERS.

Contingent as well as vested Interests must be entered.

Real and Personal Estate and Effects in which I have any Interest in reversion, remainder, or expectancy.

		Supposed Value of my Interest, if now to be sold.
1. Interests in Land, Houses, Rents, and other Real Estate. 2. Personal Property, as Goods and certain Choses in Action. 3. Other Personal Property, as public Securities, Indian or otherwise, Shares in Companies, Annuities.	Describe the Property as in the Division relating to Property in possession; add a Description of the Nature of the Interest, and from whom and in what Manner it is derived, with Names and Descriptions of Persons now enjoying the same, the Value or annual Value, according to the Nature of the Property, and in whose Name or Names the Property now stands, or who has the legal Interest therein, according to the Nature of the Property.	
Places, Pensions, and Allowances in possession or reversion.	Places of Employments held by me, with the Salaries, Fees, and Emoluments thereof; also all Pensions and Allowances in possession or reversion held by me, or by any other Person or Persons for me or on my Behalf, or of or from which I derive or may derive any Benefit.	
Rights and Powers - -	Rights and Powers which I or any other Person or Persons in trust for me, or for my Use, Benefit, or Advantage, am or are in any Manner seised or possessed of or interested in or entitled unto, or which I or any other Person or Persons in trust for me or for my Benefit have any Power to dispose of, charge, or exercise for my Benefit or Advantage -	
Excepted Articles - -	Excepted Articles, and the Value thereof - Give a full Description of the excepted Articles and their Value.	

The Schedule to be signed by the Insolvent, and witnessed by his Attorney.

A similar Form must be adopted in the Case of a joint Schedule.

SCHE-

SCHEDULE (D.)

Form of Petition for Adjudication of Insolvency.

FORM No. 1.

In the Court for the Relief of Insolvent Debtors.

In the Matter of an Insolvent.

To the Honourable the Commissioners of the said Court.

The humble Petition of of

Showeth,

THAT on or about the Day of the said [*here state the Time and Place of the Charge in execution or Commitment of the Prisoner, and the Amount of the Debt or Sum of Money for which the Prisoner shall have been so charged in execution or committed*].

That your Petitioner is desirous that the said Prisoner should be dealt with according to the Provisions of the Act for the Relief of Insolvent Debtors in India.

Your Petitioner therefore humbly prays that the said may be adjudged to have committed an Act of Insolvency, pursuant to the Provisions of the Act for the Relief of Insolvent Debtors in India, and that the proper Order may thereupon be made.

And your Petitioner, *&c.*

FORM No. 2.

In the Court for the Relief of Insolvent Debtors.

In the Matter of an Insolvent.

To the Honourable the Commissioners of the said Court.

The humble Petition of of

Showeth,

THAT late of (heretofore and up to carried on the Trade or Business of at), and thereby, as your Petitioner is advised, became a Trader within the Meaning of the Bankrupt Laws.

That on or about the Day of the said [*here state shortly the Act or Acts of Insolvency relied on*], whereby, as your Petitioner is advised and believes, the said is liable to be adjudged to have committed an Act of Insolvency.

That at the Time aforesaid the said was and now is indebted to your Petitioner in the Sum of [*state for what the Party is indebted, as* for Goods sold and delivered, *&c.*].

Your Petitioner therefore humbly prays that the said may be adjudged to have committed an Act of Insolvency, pursuant to the Provisions of the Act for the Relief of Insolvent Debtors in India, and that the proper Order may thereupon be made.

And your Petitioner, *&c.*

NOTE.

The Blanks must be filled up, and the Parts within Brackets varied or supplied, as the Case may require.

A similar Form must be used in the Case of a joint Petition.

SCHEDULE (E.)

Form of Petition for Discharge in the Nature of a Certificate of an Insolvent not a Trader.

In the Court for the Relief of Insolvent Debtors.

In the Matter of an Insolvent.

To the Honourable the Commissioners of the said Court.

The humble Petition of the said Insolvent

Showeth,

That on or about the Day of [*the Circumstances to be stated shortly*].

That the Estate of your Petitioner has realized One Third of the Amount of the Debts established in this Court in the Matter of the said Insolvency [*or*, that the major Part in Number and Value of the Creditors of your Petitioner contained in the said Schedule, or who have since established their Debts in this Court, have consented to the Discharge of your Petitioner from all further Liability in respect of his aforesaid Debts, provided that this Court shall so order], as appears by the Schedule annexed to this Petition, to which your Petitioner craves leave to refer.

That your Petitioner is desirous of obtaining a Discharge in the Nature of a Certificate under the Provisions of the said Act.

Your Petitioner therefore humbly prays, that he may be discharged from all Liability in respect of such Debts, and that all necessary Directions may be given for that Purpose.

And your Petitioner, *&c.*

Note.

The Blanks must be filled up, and the Parts between Brachets varied, as the Case may require.

The Schedule to contain a Copy of the original Schedule, and of the Debts proved since, if any, and the Consents of the Creditors must be signed by them, or their Attornies specially authorized.

SCHEDULE (F.)

Form of Petition for Discharge in the Nature of a Certificate of an Insolvent Trader.

In the Court for the Relief of Insolvent Debtors.

In the Matter of an Insolvent Trader.

To the Honourable the Commissioners of the said Court.

The humble Petition of the said Insolvent

Showeth,

That your Petitioner, prior to his Insolvency, herein-after mentioned, carried on the Trade or Business of and thereby became a Trader within the Meaning of the Bankrupt Laws.

That on or about the Day of your Petitioner petitioned for his Discharge, under the Act for the Relief of Insolvent Debtors in India (*or*, was adjudged by this Court to have committed an Act of Insolvency).

That

That on or about the Day of your Petitioner duly filed his Schedule in this Court, and that your Petitioner is desirous of obtaining a Discharge in the Nature of a Certificate under the Provisions of the Act relating to Insolvent Debtors in India; and he therefore humbly prays that all necessary Directions may be given for that Purpose, and that your Petitioner may, by the Order of this Court for his Discharge in the Nature of a Certificate, be discharged from all Liability in respect of the Debts or Claims established, or which might by Law be proved in this Court, in the Matter of his Insolvency.

And your Petitioner, *&c.*

NOTE.

The Petitioner must annex to this Petition a Copy of his Schedule, and include all Debts established, though not included in the Schedule as originally filed.

The Blanks must be filled up, and the Parts between Brackets varied, as the Case may require.

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