

CAP. XX.

An ACT in further addition to, and amendment of, an Act, passed in the third and fourth years of His present Majesty's Reign, entitled, An Act for the relief of Insolvent Debtors.

Preamble.

WHEREAS, the benefit of the said Act for the relief of Insolvent Debtors, and of the several Acts made in addition to, and amendment thereof, hath been refused in certain cases when the parties applying have executed any deed or deeds of assignment in trust to, or for the benefit of, their Creditors, and for the equal distribution of their effects among them: and whereas, it is expedient to extend the benefit of the said Acts to such cases:

Petitions of Insolvent Debtors—assignments made by them.

I. BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly, and by the authority of the same, That whenever, upon the examination of any petitioner or petitioners for the benefit of the said Acts before any Judges of His Majesty's Supreme Court, it shall appear that any assignment or conveyance of his or their estate or effects has been executed in trust for the equal distribution thereof, to and among his or their creditors, then, and in every such case, it shall and may be lawful to and for the said Judges, and they are hereby authorized and required, to proceed, either by the examination of witnesses on oath, or otherwise, as to them shall appear most expedient, to enquire into, and examine, the nature and circumstances of such assignment, and the reason and inducements for executing the same, and the proceedings had in consequence thereof; and if, upon such examination and investigation, the said Judges shall be satisfied that such assignment or conveyance in trust was made without fraud, and with the intent and purpose that the proceeds of the estate and effects assigned should be divided and distributed fairly and equally to and among the several creditors of the said petitioner or petitioners in proportion to their demands, then, and in every such case, the said Judges shall, and they are hereby required, notwithstanding such assignment or conveyance, to extend the benefit of the said several Acts to the petitioner or petitioners, provided he or they shall in other respects comply with the provisions thereof.

Trustees named in assignments called to account.

Distribution of Property assigned.

II. And be it further enacted, That it shall and may be lawful for His Majesty's Supreme Court, at any of its Sessions, upon the application of any person or persons interested in any such assignment, or conveyance in trust, that hath been adjudged of in manner aforesaid, by rule or order of the said Court, from time to time, in a summary way, to call to account the trustee or trustees named in such assignment or conveyance, and to cause him or them to make distribution of all sums collected and received by virtue thereof, to and among the several persons for whose benefit the same was intended, according to the true intent and meaning thereof, and in such manner as shall be by such rule or order appointed and directed, notwithstanding the monies collected by such trustee or trustees shall not amount to the dividend or dividends expressed in and appointed in such assignment or conveyance, to be paid by the trustee or trustees named therein:

Proviso.

Provided always, That nothing in this Act contained, shall extend, or be construed to extend,

extend, to any person or persons, or to the case of any assignment, where application shall not be made for relief within sixty days after the publication of this Act.

III. *And be it further enacted*, That this Act shall continue, and be in force, until the eighteenth day of March, which will be in the year of Our Lord one thousand eight hundred and twenty, and no longer.

Continuation.

CAP. XXI.

An ACT for the further encouragement of the Cod and Scale Fisheries of the Province.

WHEREAS, the bounty granted the last Session of the General Assembly, on the Scale and Cod Fisheries, has been found to be very beneficial :—

Preamble.

I. *BE it therefore enacted*, That from and after the publication of this Act, there shall be granted and paid to the persons, Inhabitants of this Province, who shall catch and cure Cod and Scale Fish in boats, and other vessels, wholly owned by the inhabitants thereof, during the present year, until the first day of December next, the following Bounties, that is to say :—On every quintal of Merchantable Cod Fish, fit for the European Market, one shilling and six pence per quintal; and upon all other Cod and Scale Fish, fit for the West-India Market, one shilling per quintal;—upon certificates to be granted and procured in the same manner, and under the same regulations, provisions and restrictions, except as herein altered, as required in and by an Act, passed in the last Session of the General Assembly, entitled, An Act for the encouragement of the Cod and Scale Fisheries of the Province.

Bounties.

Certificate required.

II. *And be it further enacted*, That the Commissioners shall be appointed and sworn in the same manner, and perform the same duties, and for the same allowance, as required and directed by the said last mentioned Act; and the Culler or Cullers, instead of the Oath prescribed by the said Act, shall take and subscribe the following Affidavit :—I, A. B. do swear, that I did, on the day of inspect the (Cod or Scale Fish, as the case may be,) of and did see the whole of the said Fish weighed, and that the quantity of said Fish, so inspected by me and weighed in my presence, amounts to quintals of Fish, cured and fit for the European Market, and quintals of fish, cured and fit for the West-India Market (as the case may be.) So help me God. And the person or persons who shall have caught and cured the said fish, shall, instead of the Affidavit prescribed by the said Act, take and subscribe the following Affidavit :—I, A. B. do swear, that the of fish for which I now require a certificate, were actually and *bona fide* caught by me and my crew, between the day of and the day of and cured at and I do swear, that the said fish were caught in the boat or vessel belonging to being an inhabitant or inhabitants of this Province, actually dwelling at and that such person or persons have actually resided in this Province for the space of six months next before the passing of the Act, made in the fifty-ninth year of His Majesty's Reign, entitled, An Act for the further encouragement of the Cod and Scale Fisheries of

Commissioner appointed.
Cullers.

Cullers' Oath.