

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1850. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1850.

13 Victoria – Chapter 6

An Act in addition to an Act to repeal the several Acts of Assembly relating to Bankruptcy in this Province. Passed 11th April 1850.

Whereas doubts have arisen with regard to the intent and meaning of an Act made and passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to repeal the several Acts of Assembly relating to Bankruptcy in this Province*: And whereas it is deemed advisable to declare the intent and meaning of the said Act;

I. Be it therefore declared and enacted by the Lieutenant Governor, Legislative Council and Assembly, That notwithstanding the provisions of the said recited Act to repeal the several Acts of Assembly relating to Bankruptcy in this Province, all rights, interests, liabilities, actions or causes of action which had accrued or may accrue to any person or persons, or existed under any Fiat published in the Royal Gazette before the passing of the said Act, or in any way under the authority of any law repealed by the said Act, shall continue and be and remain available to any such person or persons for any and all purposes as fully and effectually to all intents and purposes as if the said recited Act had not passed; and nothing in the said recited Act shall be construed to extend to affect any proceeding had or taken, or that may be had or taken under any Fiat published as aforesaid, or any thing done in the prosecution thereof, or the settling the estate, or collecting or disposing of the debts of any such Bankrupt, or in any other proceeding in Bankruptcy; and the rights of all persons existing, arising or accruing in any way under or out of any such Fiat, or the authority of any law relating to Bankruptcy at any time heretofore in force, shall be deemed and continue valid, effectual and available for all purposes in the same manner to all intents and purposes as if the said recited Act had not passed; and until all the estates of the several Bankrupts, whose Fiats have been so published before the passing of the said recited Act, are completely settled, wound up and closed, it shall and may be lawful to fill up vacancies arising from time to time by death, resignation or otherwise, or which may have arisen in the office of Commissioner of Bankrupts, or Assignee, in the same manner and as fully and effectually to all intents and purposes as if the said recited Act had not passed, and in the construction of the proviso in the said recited Act, this Act shall be deemed to declare the true meaning thereof.

II. And be it enacted, That no action, suit or proceeding shall be instituted, had or taken for the recovery of any Bond or the penalty thereof, or any money therein secured, heretofore given, executed or entered into, to the Registrar of the Court of Chancery of this Province by any person or persons for securing the costs of any proceeding in Bankruptcy, unless such action, suit or proceeding be instituted, had or taken within four calendar months after the passing of this Act.

III. And be it enacted, That no proceeding shall be had or taken on any Fiat published in the Royal Gazette before the passing of the said recited Act, in cases where the person so declared a Bankrupt under the authority of any Act repealed by the said recited Act, has not surrendered

before the passing of the said recited Act, unless such person shall surrender within six calendar months after the passing of this Act, and in all cases when such person shall or may neglect or refuse to surrender within that period, the Fiat so granted as aforesaid shall be null and void; provided always, that in every case where a party surrenders within the time limited by this Act, unless such party shall proceed to a sitting for a final certificate within nine calendar months after the date of such surrender, or within such further time as the Commissioner upon good cause shewn therefor on affidavit shall grant, then and in such case the certificate of such Bankrupt shall be deemed and taken to be refused.