

assignee shall keep a list of the debts to be sold open to inspection **Provide.** at his office, and shall also give free access to all documents and vouchers explanatory of such debts. But all debts amounting to more than \$100, shall be sold separately.

5 11. The person who purchases a debt from the assignee, may sue for **Purchaser of debt.** it in his own name as effectually as the assignee is hereby authorised to do; and a bill of sale (form M.) signed and delivered to him by the Assignee shall be *prima facie* evidence of such purchase without proof of the handwriting of the Assignee.

10 12. The assignee may sell the real estate of the insolvent; but only after advertisement thereof, for the same time, and in the same manner as is required in sales of real estate by the Sheriff in the district where such real estate is situate, and to such further extent as the assignee deems expedient. And if the price offered for any real estate at any public **Sale of Insolvent's real estate.** sale duly advertised as aforesaid, is in the opinion of the assignee too small, he may withdraw such real estate, and sell it subsequently under such directions as he receives from the creditors.

13. The sale of real estate in Upper Canada so made by the assignee, shall have the same effect as if the same had been made by **Effect of sale of real estate by assignee.** a Sheriff in Upper Canada, under a writ of execution issued in the ordinary course. And in Lower Canada, such sales shall have the same effect as if made by a Sheriff under a similar writ. And the deed of such sale which he executes, shall have precisely the same effect as a Sheriff's deed has in the Province within which the real estate is situate. But he may grant such terms of credit as he may deem expedient, and as may be approved of by the creditors for any part of the purchase money. And he shall be entitled to reserve a special mortgage by the deed of sale, as security for the payment of such part of the purchase money (form I), and such deed may be executed before witnesses, or before Notaries, according to the exigency of the law of the place where the real estate sold is situate.

14. The assignee shall be subject to the summary jurisdiction of the Court or Judge in the same manner, and to the same extent as the ordinary officers of the Court are subject to its jurisdiction, and the performance **Assignee to be subject to summary jurisdiction of the Court.** of his duties may be enforced by the Judge on summary petition in vacation, or by the Court on a rule in term, under penalty of imprisonment, as for contempt of Court; whether such duties be imposed upon him by the deed of assignment, by instructions from the creditors validly passed by them under this Act and communicated to him, or by the terms of this Act.

16. Any assignee may be removed after the period at which dividends may be declared, by a resolution passed by the creditors present or represented at a meeting duly called for the purpose. **Removal of assignee.**

15. The remuneration of the assignee shall be fixed by the creditors **His remuneration.** at a meeting called for the purpose; but if not so fixed before a final dividend is declared, shall be put into the dividend sheet at a rate not exceeding five *per centum* upon the cash receipts, subject to objection by any creditor as exceeding the value of the services of the assignee, in the same manner as any other item of the dividend sheet.

17. Upon the death of an assignee the estate of the insolvent shall **In the event of his death.** not descend to the heirs or the representative of the assignee; but shall become vested in any assignee who shall be appointed by the creditors in his place and stead: and until the new assignee is appointed, the estate shall be under the control of the Judge,

18. After the declaration of a final dividend, the assignee may prepare his final account, and after due notice by advertisement may present a petition to the Judge for his discharge from the office of assignee. **How assignee may obtain his discharge** And from the time of the first advertisement thereof, to the time of the presentation of such petition, he shall keep such final account open for inspection at his office.