

in Lower Canada, or to the judge in Upper Canada, by petition to grant him his discharge; first giving notice of such application, (Form N,) in the manner hereinbefore provided for notice of applications for confirmation of discharge.

Opposing application.

11. Upon such application any creditor of the insolvent may appear and oppose the granting of such discharge either upon the ground of fraud or fraudulent preference within the meaning of this Act; or of the fraudulent retention, concealment, or disposition of any portion of his estate and effects: or of the evasion, prevarication or false swearing of the insolvent upon his examination as to his estate and effects. 5 10

Judgment of court.

12. The Court or judge, as the case may be, after hearing the assignee, the insolvent, and the objecting creditors, and any evidence that may be adduced may either grant the discharge of the insolvent absolutely, conditionally or suspensively; or may refuse it absolutely. 15

Discharge, &c. obtained by fraud to be void.

13. Any discharge or composition and any confirmation of any discharge or composition, which has been obtained by fraud or fraudulent preference, or by means of the consent of any creditor, procured by the payment to such creditor of any valuable consideration for such consent shall be null and void. 20

EXAMINATION OF THE INSOLVENT AND OTHERS.

When and how insolvent may be examined.

11. The insolvent may be from time to time examined as to his estate and effects upon oath, before the Judge, by the assignee or by any creditor; upon an order from the Judge obtained without notice to the insolvent, upon petition, setting forth satisfactory reasons for such order—and he may also be examined in like manner upon a *subpoena*, issued as of course without such order, in any action in which a writ of attachment has been issued against his estate and effects; which *subpoena* may be procured by the plaintiff, or by any creditor intervening in the action for that purpose, or by the assignee, 30

Examination by assignee or creditor.

12. The Insolvent may also be so examined by the assignee or by any creditor, on the application of the insolvent for a discharge or for confirmation of such discharge, at any stage of such proceedings: or upon any petition to set aside an attachment in the proceedings for the compulsory liquidation of his estate. 35

Wife of insolvent may be examined.

13. The wife of the insolvent, and any other person who is believed to possess information respecting the estate or effects of the insolvent, may also be from time to time examined before the Judge upon oath, as to such estate or effects, upon an order from the Judge to that effect; which order the Judge may grant upon petition setting forth satisfactory reasons for such order, without notice to the insolvent or to his wife, or to the party to be so examined. 40

Insolvent to attend meetings of his creditors. Conduct of witnesses.

14. The insolvent shall attend all meetings of his creditors, and shall answer all questions that may be put to him at such meetings touching his business, and touching his estate and effects. 45

15. Any person summoned for examination or under examination under this Act shall be subject to proceedings and punishments similar to those which may be taken against or inflicted upon ordinary witnesses. And on application, the Judge may in his discretion tax persons so examined and order them to be paid such taxation out of the estate or otherwise. 50

Their costs.

OF PROCEDURE GENERALLY.

Notices under this Act, how to be given.

12. Notice of meetings of creditors and all other notices herein required to be given by advertisement, without special designation of the nature of such notice, shall be so given by publication thereof for two weeks 55