making of such assignments, or the payment or transference of any money otherwise than in the discharge of a *bona fide* debt or obligation; and where any collusive malversation is discovered, the assignee shall be entitled to sue for its amounts in like manner, as for any debt due to the estate, or for double the amount of any preference as hereinbefore provided.

and fair surrender of his estate.

XV. All questions at any meeting of creditors shall be determined by the majority in the value of those present and entitled to vote, unless in cases herein otherwise provided for; and when, for the purpose of voting, the creditors are required to be counted in number, no creditor whose debt is under one hundred dollars, shall be reckoned in number, but his debt shall be computed in value, unless the total liability of the estate be under $5,000.

Questions at meetings to be determined by a majority in value of creditors present, &c.,

XVI. No bill of sale, Chattel Mortgage, or other instrument whereby an exclusive right of property is created or attempted to be created, in goods, chattels or other effects of which the grantor still retains possession, and no confession of judgment or execution following thereon, except for rent, shall be effectual for the benefit of any creditor or creditors over a general body of creditors, but all such instruments or proceedings may and shall be superseded by an assignment for the general benefit of creditors within sixty days of the date, registration or execution of such.

Effect of general assignment as regards Bills of sale, chattel mortgages, &c.

XVII, It shall be competent to an assignee or any creditor or creditors whose claim or united claims amount to five hundred dollars, to challenge any such deeds or proceedings, by which any creditor may appear to obtain a preference, and to summon the debtor forthwith to show cause why he should not make an assignment of his whole estate, for the benefit of his creditors, and also to summon the holder of any such deed, or the taker of any such proceedings before a Judge, to show cause why he should thereby obtain an undue advantage over his co-creditors; and the Judge on hearing parties for their several interests, or on the failure to appear of the debtor, or execution or judgment creditor so summoned, may order such assignment to be forthwith made, to date from the day of such order, and decree that a refusal to make the same shall be an act of fraud or a misdemeanor on the part of such debtor, and punishable as such; or in case the debtor may not have been summoned as law directs, on account of his absconding or keeping out of the way, the Judge may stop all proceedings, to the effect of preserving the estate for the benefit of the entire body of creditors, or do otherwise in the premises, as the justice of the case may require; provided always, that all creditors, Sheriffs or others who have incurred costs in taking any such proceedings, shall have such costs as taxed, reimbursed out of the proceeds of the estate.

Creditors in certain cases may compel a debtor to make an assignment.

Judge may decree refusal so to do to be an Act of fraud, &c.

Proviso.

The Judge before whom any such case may be brought, shall be one of the Judges of the Court of Queens Bench and Common Pleas, or the Judge of any County Court in Upper Canada, or of the Superior Court in Lower Canada, and they shall be entitled to hear and dispose of the same summarily at their Chambers, whether their respective Courts be in Session or not.

Judges who may decide such cases.

XIX. And whereas it has been the practice in the Province for persons on commencing business, or on obtaining large amounts of credit, to enable them to continue in business, from individual merchants or firms, to give security or credit by Bills of sale, Cha l Mortgages or

Recital