

contained, due regard being had, however, to the proportions of creditors required by this Act for any such vote, resolution, order or regulation ;

125. The claims of creditors (Form Q) shall be furnished to the Assignee or interim Assignee as the case may be, in writing, and they shall be attested under oath, taken in Canada before any Judge, Commissioner for taking affidavits, or Justice of the Peace, and out of Canada before any Judge of a Court of Record, any Commissioner for taking affidavits appointed by any Canadian Court, the Chief Municipal Officer for any town or city, or any British Consul or Vice-Consul, or before any person authorized by any statute of this Dominion or of any Province therein to take affidavits to be used in any part of this Dominion ;

Form and attestation of claims.

126. Any affidavit requiring to be sworn in proceedings in insolvency, may be sworn before any Commissioner for taking affidavits, appointed by any of the Courts of Law or of Equity in any of the said Provinces ; or before any Judge having civil jurisdiction in any of the said Provinces ; and such affidavit may be made by the party interested, or by his agent in that behalf having a personal knowledge of the matters therein stated.

Affidavits, how to be made.

127. The Statutes of set-off shall apply to all claims in insolvency, and also to all suits instituted by an Assignee for the recovery of debts due to the insolvent, in the same manner and to the same extent as if the insolvent were plaintiff or defendant, as the case may be, except in so far as any claim for set-off shall be affected by the provisions of this Act respecting frauds or fraudulent preferences ;

Set-offs, how allowed.

128. One clear day's notice of any petition, motion, order or rule, shall be sufficient if the party notified resides within fifteen miles of the place where the proceeding is to be taken, and one extra day shall be sufficient allowance for each additional fifteen miles of distance between the place of service and the place of proceeding ; and service of such notice shall be made in such manner as is now prescribed for similar services in the Province within which the service is made ;

Service of papers under this Act.

129. The Judge shall have the same power and authority in respect of the issuing and dealing with commissions for the examination of witnesses, as are possessed by the ordinary Courts of Record in the Province in which the proceedings are being carried on, and may also on petition of either of the parties to a contestation before an Assignee, order the issue of such a commission by the Assignee ;

Commissions for examination of witnesses.

130. In any proceeding or contestation in insolvency, the Court or Judge, or the Assignee as the case may be, may order a writ of *subpoena ad testificandum* or of *subpoena duces tecum* to issue, commanding the attendance as a witness of any person within the limits of Canada.

Subpoenas to witness.

131. All rules, writs of subpoena, orders and warrants, issued by any Judge, Court or Assignee in any matter or proceeding under this Act, may be validly served in any part of Canada upon the party affected or to be affected thereby ; and the service of them, or any of them, may be validly made in such manner as is now prescribed for similar services in the Province within which the service is made ; and the person charged with such service shall make his return thereof and on oath, or, if a Sheriff or Bailiff in the Province of Quebec, may make such return under his oath of office ;

Service of process, &c.

132. In case any person so served with a writ of *subpoena* or with an order to appear for examination, does not appear according to the

Service of writs and process.