

representing the largest claim upon him; or he may make such assignment to any official assignee resident within the district or county within which the insolvent has his place of business and nominated for the purposes of this Act by the Board of Trade in such district or county, or if there be no Board of trade therein, then by the nearest Board of Trade thereto. 5

As to decision of disputes arising at the meeting.

5. If any dispute arises at the first meeting of creditors as to the amount which any one of the creditors is entitled to represent in the nomination of an assignee, or upon any other question which may properly be discussed at such meeting; such dispute shall be decided by the vote of the majority in number of the creditors present, or represented by agents or proxies. But if the dispute have reference to any pretensions of any creditor as to the existence or amount of his claim, such creditor shall not vote upon the question. But no neglect or irregularity in any of the proceedings antecedent to the appointment of the assignee, shall vitiate an assignment subsequently made to an assignee competent to receive it under this Act. 10 15

Irregularly not to vitiate assignment.

Form of deed of assignment

6. The deed or instrument of assignment may be in the form C, or in any other form equivalent thereto, and if executed in Upper Canada, shall be in duplicate, and a copy of the list of creditors produced at the first meeting of the creditors shall be appended to it; and no particular description or detail of the property or effects assigned need be inserted in such deed. And any number of counterparts of such deed required by the assignee shall be executed by the Insolvent at the request of the Assignee, either at the time of the execution of such deed or instrument, or afterwards; to which counterparts no list of creditors need be appended. 20 25

Effect of such assignment.

7. The assignment shall be held to convey and vest in the assignee, the books of account of the insolvent, all vouchers, accounts, letters and other papers and documents relating to his business, all moneys and negotiable paper, stock, bonds, and other securities, as well as all the real estate of the Insolvent, and all his interest therein, whether in fee or otherwise, and also all his personal estate, movable and immovable property, debts, assets and effects, which he has or may become entitled to at any time before his discharge is effected under this Act; excepting only such as are exempt from seizure and sale under execution, by virtue of the several statutes in such case made and provided. 30 35

Copy of assignment to be deposited.

8. Forthwith upon the execution of the deed of assignment, the assignee, if appointed in Upper Canada, shall deposit one of the duplicates thereof, and if in Lower Canada, an authentic copy thereof, in the office of the proper Court; and in either case the said list of creditors shall accompany the deed or instrument so deposited. 40

Registration of deed of assignment.

9. If the Insolvent possesses real estate, the deed of assignment may be enregistered in the Registry Office for the Registration Division or County within which such real estate is situate; and no subsequent registration of any deed or instrument of any kind executed by the Insolvent, or which otherwise would have affected his real estate, shall have any force or effect thereon. And if the real estate be in Upper Canada and the deed of assignment be executed in Lower Canada before Notaries, a copy of the deed certified under the hand and official seal of the Notary or other public officer in whose custody the original remains, may be registered without other evidence of the execution thereof, and without any memorial; and a certificate of such registration may be endorsed upon a like copy. And if the property be in Lower Canada and the deed of assignment be executed in Upper Canada, it may be enregistered by memorial or at full length in the usual manner; but it shall not be necessary to enregister, or to refer on registration in any manner to the list of creditors annexed to the deed of assignment. 45 50 55