

be served on him or them; and the said clerk or prothonotary shall keep the original and give a certified copy to the creditor or creditors; and such copy shall be annexed to the notice served on the debtor.

5. If the debtor, on whom such demand is made, contends that the same was not made in conformity with this Act, or that the claims of such creditor or creditors do not amount to one hundred dollars each or five hundred dollars in the aggregate, or that they were procured in whole or in part for the purpose of enabling such creditor or creditors to take proceedings under this Act, or that the stoppage of payment by such debtor was only temporary, and that it was not caused by any fraud or fraudulent intent, or by the insufficiency of the assets of such debtor to meet his liabilities, he may, after notice to such creditor or creditors, (but only within five days from such demand) present a petition to the judge praying that no further proceedings under this Act may be taken upon such demand, and, after hearing the parties and such evidence as may be adduced before him, the judge may grant or reject the prayer of his petition, with or without costs against either party; but if it appears to the judge that such demand has been made without reasonable grounds, and merely as a means of enforcing payment under color of proceeding under this Act, he may condemn the creditor or creditors making it, to pay treble costs.

6. If at the time of such demand the debtor was absent from the Province wherein such service was made, application may be made after due notice to the creditor or creditors, within the said period of five days to the judge on his behalf, for an enlargement of the time for either contesting such demand or for making an assignment; and thereupon, if such debtor has not returned to such Province, the judge may make an order enlarging such period and fixing the delay within which contestation or assignment shall be made; but such enlargement of time may be refused by the judge if it be made to appear to his satisfaction that the same would be prejudiced to the interest of the creditors.

7. If such petition be rejected, or if, while such petition is pending, the debtor, without the leave of the judge or otherwise than on the terms prescribed by him, continues his trade, or proceeds with the realization of his assets, or if no such petition be presented within the aforesaid time, and the debtor, during the same time, neglects to make an assignment of his estate and effects for the benefit of his creditors, as hereinafter provided, his estate shall become subject to liquidation under this Act.

8. No such proceedings as aforesaid shall be taken under this Act to place the estate of an Insolvent in liquidation, unless the same are taken within three months next after the act or omission relied upon as subjecting such estate thereto; nor after a writ of attachment in liquidation has been issued while it remains in force; nor after an assignment has been made under this act.