

SYNOPSIS

OF THE

INSOLVENT ACT OF 1875 AND AMENDING ACTS.

1. These acts apply to traders, trading co-partnerships and trading Companies, whether incorporated or not, except Incorporated Banks, Insurance, Railway and Telegraph Companies.

2. A debtor is deemed insolvent, if he calls a meeting of creditors for the purpose of a composition; if he exhibits no statements shewing his inability to meet his engagements; if he in any way acknowledges his insolvency; if he absconds or is about to abscond, or conceals himself with intent to defraud or to avoid arrest or service of process; if he secretes or is about to secrete any part of his estate, or assigns or removes, disposes of, or is about to assign, remove or dispose of, any of his property with intent to defraud, defeat or delay his creditors, or if with such intent, he procures his property to be seized or taken under any process or execution for a sum exceeding \$200.00; if he has been imprisoned or upon the good limits for more than 30 days in a civil action for \$200.00 or upwards, and having been so imprisoned or upon the limits has escaped; if he willfully neglects or refuses to appear on any rule or order requiring his appearance to be examined as to his debts, or to obey or comply with any rule or order made for payment of his liabilities, or to obey or comply with any order or decree of the Court of Chancery, or of any of the Judges thereof, for payment of money; if he has made any general conveyance or assignment for the benefit of his creditors otherwise than under these acts, or if being unable to meet his liabilities in full, he sells or conveys the whole or the main part of his stock in trade, or of his assets without the consent of his creditors, or without satisfying their claims, or if he permits any execution under which any of his property is seized to remain unsatisfied till within four days of the time fixed by the Sheriff or Officers for the sale, or for fifteen days after such seizure.

3. If a debtor ceases to meet his liabilities generally as they become due, any one or more creditors for unsecured claims of not less than \$100.00 each, and amounting in the aggregate to \$500.00, may make a demand requiring an assignment for the benefit of creditors, such proceedings to be taken within three months, next after the act or omission relied upon as subjecting such estate thereto.

4. Any creditor upon his affidavit or that of his Clerk or Agent, that a trader is indebted to him in a sum provable in insolvency of not less than \$200.00 over and above any security held for the same, and disclosing such facts and circumstances as will satisfy the Judge in the County or district in which such trader has his chief or one of his principal places of business, that such trader is insolvent and that his estate has become subject to liquidation, and that he the creditor, does not act in collusion with such trader, nor to procure him any undue advantage against his creditors, shall be entitled to a writ of attachment against the estate and effects of such trader.

5. The debtor may within five days from the service of a demand of assignment or of the writ of attachment by petition to a Judge pray for the setting aside of such demand or writ, on showing that such demand or writ has been illegally or improperly served or issued.

6. The debtor and witnesses as to his estate may at any time on order obtained for that purpose be examined before the Court or a Judge or the assignee.

7. At the first meeting of the creditors to be called by the assignee, an assignee may be appointed, and the amount of security he is to give fixed. Inspectors may be appointed and