

XXXIX. On such assignment and delivery being made by the debtor of his estate to the said assignee and on the production of the consent of at least two-thirds in number and in value of all the creditors named in the said schedule of creditors, not reckoning the privileged and hypothecary creditors, the said debtor shall be entitled to his certificate of discharge as mentioned in the 38th section of this Act.

How debtor may then obtain his discharge.

XL. Notwithstanding the consent of two-thirds in number and value of the creditors, it shall always be in the power of the Judge to suspend or refuse any certificate of discharge whenever he shall be satisfied that the said debtor has secreted any part of his estate, with a view to take advantage of this Act or that he has otherwise acted fraudulently towards his creditors or any of them.

Judge may refuse certificate in certain cases.

XLI. Before any certificate of discharge is granted to the said debtor he may be examined by the Judge or by the creditors or official assignee on any matter relating to his estate and business.

Debtor may be examined.

XLII. The claims of the creditors may be contested by the debtor or by any other party interested before one of the Judges of the Superior Court in the summary manner provided for by this Act for the claims mentioned in the first section thereof.

Debtor may contest claims of creditors.

XLIII. No certificate shall be granted by the Judge until every contested claim shall have been determined by a judgment, unless the creditors consenting to the composition whose claims are not contested be sufficient in number and value to entitle the debtor to his discharge.

Certificate not to be granted until claims determined.

XLIV. A summary appeal to the Superior Court shall be allowed to any creditor, and to the debtor, from any final judgment rendered by the Judge on any contested claim, or from any order suspending, refusing or granting any certificate of discharge.

Appeal allowed to creditors and debtors.

XLV. The appeal mentioned in the last section shall be by petition, setting forth the grounds of complaint, and the costs on such appeals shall be the same as on appeals from the Circuit Court.

How such appeal shall be brought.

XLVI. Every Assignee named under the provisions of this Act shall be vested with the estate assigned by the debtor, and may sue in his own name or in the name of the said debtor and do all other acts necessary to be done in the interest of the creditors, and shall be accountable for the said estate and the proceeds thereof to the creditors who shall have filed their claims duly attested in the Prothonotary's Office, and he shall be *contraignable par corps* for the same; such assignee shall further be subject to such orders as the judge may, from time to time, give as to the sale of the said estate and the distribution of the proceeds thereof.

Powers and duties of assignees.

XLVII. All claims by creditors may be filed in the Prothonotary's Office and be sworn to by the creditor, his clerk, agent or attorney, before a Judge of any Court of record, the Prothonotary or any Commissioner authorised by the Court to take affidavits within the Province.

Claims of creditors, how filed.

XLVIII. It shall be lawful for the Judge to require further evidence of any claim or claims so filed against the estate of a debtor.

Judge may require further evidence.