

- How writ shall be executed. 5. Under such writ of attachment the person charged with the execution thereof shall seize and attach all the estate and effects of the insolvent within the jurisdiction of the Court, including his books of account, moneys and securities for money, and all his office or business papers, documents, and vouchers of every kind and description; and shall return with the writ, a report under oath of his action thereon. 5
- In whose custody, property attached shall be placed in L. C. 6. If in Lower Canada, the Board of Trade at the domicile or in the County or District in which is situate the domicile of the debtor, has appointed official assignees for the purpose of this Act, the Sheriff shall place the estate and effects attached, in the custody of one of such official assignees, who shall be guardian under such writ; but if not he shall appoint as guardian such solvent and responsible person as may be willing to assume such guardianship. 10
- Duty of such person. 7. The person so placed in possession shall forthwith proceed to make an inventory of the estate and effects of the defendant; and also such statements of his affairs as can be made from the books, accounts and papers attached. And he shall file such inventory in the Court on the return day of the writ; and shall produce such statements at the meeting of creditors called for the appointment of an official assignee. 15
- Duty of person charged to execute the writ in U. C. 8. In Upper Canada, the person charged with the execution of such writ shall retain in his custody the estate and effects attached until an official assignee is appointed as hereinafter provided, shall make and file an inventory of the estate of the defendant, and shall make and produce statements of his affairs in the same manner and at the same times and places as are hereinbefore provided with respect to guardians in Lower Canada. 20 25
- Proceedings to set aside attachment. 9. The alleged insolvent may present a petition to the Judge at any time within five days from the return day of the writ, but not afterwards, and may thereby pray for the setting aside of the attachment made under such writ, on the ground that his estate has not become subject to compulsory liquidation; and such petition shall be heard and determined by the Judge in a summary manner, and conformably to the evidence adduced before him thereon. 30
- Meeting of creditors for appointment of assignee. 10. Immediately upon the expiration of five days from the return day of the writ, if no petition to quash or to stay proceedings be filed; or upon the rendering of judgment upon the petition, to quash if it be dismissed; the Judge upon the application of the Plaintiff, or of any creditor intervening for the prosecution of the cause, shall order a meeting of the creditors to be held before him or any other Judge, at a time and place named in such order, and after due notice thereof, for the purpose of giving their advice upon the appointment of an official assignee. 35 40
- Who may be official assignee. 11. At the time and place appointed, and on hearing the advice of the creditors present upon oath, the Judge shall appoint some person to be such official assignee, which person may either be one of the persons proposed by the creditors; or in Upper Canada the person charged with the execution of the writ of attachment; or in Lower Canada any of the official assignees named by the Board of Trade. 45
- Debtor may petition for suspension of proceedings. 12. Instead of petitioning to quash the attachment the debtor may, within the like delay, petition the judge to suspend further proceedings against him and to that end to submit such petition to a meeting of the creditors and the debtor to be called for that purpose, in order that the creditors may determine whether the proceedings against the debtor shall be suspended or not. 50
- Schedule to be produced with the petition. 13. The debtor shall produce with such petition a schedule of his estate, and a list of his creditors with the amount of his indebtedness to each, and the places of their respective residences, or places of business the whole under oath. 55