

in effect in the form of Schedule [A] to this Act appended; and any claim so filed in the hands of the Curator shall be returned into the Court with the next subsequent statement of account to be made by such Curator.

Creditors to be called in.

XIII. Whenever the amount of monies realized from the assets of any Company shall appear to the Court to warrant a dividend thereof, the Court shall make an order to call in the Creditors of the Company, and to require them to file their claims in the Office of the Registrar, Clerk, or Prothonotary of such Court, on or before a day to be fixed by such order; and notice of such order or the substance thereof shall be twice inserted in the *Canada Gazette*, and twice in some newspaper published in the County or District wherein the chief place of business of such Company shall have been situate: Provided always that in Lower Canada every such notice or the substance thereof shall be published in the *Canada Gazette*, and in such local newspaper or newspapers, both in the French and English languages; and after the expiration of the time so limited, the Court shall proceed to the distribution of the monies so realized according to the rights of the claimants thereon, in Lower Canada in the manner recognized by law for the distribution of the monies of a vacant estate in the hands of a Curator, and in Upper Canada in the manner in which such assets are or but for this Act would be distributed by the Court of Chancery.

And proceeds to be distributed.

Curator be an officer of the court.

XIV. The Curator of any Company appointed in manner aforesaid shall be an officer of the Court appointing him, subject to the summary jurisdiction of that Court as to all matters, things and duties confided to and imposed upon him by this Act, and his accounts shall be subject to contest, the performance of his duties enforced, and his acts in his said capacity restrained and regulated in every respect, on summary application by petition or motion to the Court which appointed him, and he shall be liable to be removed by the Court for misconduct or want of sufficient security. Provided always that when the bringing or defending of any suit or the doing of any act in the winding up of any Company shall or may be attended with more cost than the Curator thereof shall consider it expedient to expend or to risk, and any application be made to compel him to bring or defend such suit or do such act, the Court may order such Curator to bring or defend such suit, or to do such act, as the case may be, but on condition only that the applicant shall give good and sufficient security to such Curator for the payment to him of any costs which may be incurred by him in obedience to such order.

Proviso.

Disposal of surplus funds.

XV. If there be any surplus of the funds realized from the assets of any Company after the payment of all the Creditors thereof in full, the same shall first be devoted to the adjustment of the rights of the contributories among themselves, and afterwards shall be distributed *pro rata* among the contributories.

Members to contribute.

Proviso.

XVI. In the event of any Company being wound up under this Act, the members thereof shall be liable to contribute to the assets of the Company an amount sufficient to pay the debts of the Company, and all costs, charges and expenses of winding up the same. Provided that if any company is limited, and has complied with the requirements of