

it it otherwise expressed or unless the context plainly requires a different construction; But the 24th and 25th sections of the 78th chapter of the Consolidated Statutes for Lower Canada, shall apply in Lower Canada to proceedings under this Act.

- 5 5. The word "Assignee" shall mean the official assignee appointed in proceedings for compulsory liquidation as well as the assignee appointed under a deed of voluntary assignment. The word "day" shall mean a juridical day. The word "Creditor" shall be held to mean every person to whom the Insolvent is liable, whether primarily or secondarily, and whether as principal or surety; but no debt shall be doubly represented or ranked for, either in the computation for ascertaining the numbers and proportions of creditors, or in the allotment or payment of dividends; the word "collocated" shall mean ranked or placed in the dividend sheet for some dividend or sum of money:
- 10 15 And all the provisions of this Act respecting traders, shall be held to apply equally to unincorporated trading companies, and co-partnerships; and the chief office, or place of business of such unincorporated trading companies and co-partnerships shall be their domicile for the purposes of this Act.
- 20 6. Every assignee to whom an assignment is made under this Act and every official assignee appointed under the provisions of this Act, is an agent within the meaning of the 43rd, 44th, 46th, 48th and 49th sections of the 92nd chapter of the Consolidated Statutes of Canada; and every provision of this Act, or resolution of the creditors, relating to the duties of an assignee or official assignee shall be held to be a direction in writing, within the meaning of the said 43rd section of the said chapter. And in an indictment against an assignee or official assignee under any of the said sections, the right of property in any monies, security, matter, or thing, may be laid in "the creditors of the insolvent, (*naming*
- 25 30 *him*,] under the Insolvent Act of 1863," or in the name of any assignee subsequently appointed, in his quality as such assignee.
7. The deed of assignment, or an authentic copy thereof, or a duly authenticated copy of the order of the judge appointing an official assignee, or a duly certified extract from the minutes of a meeting of creditors, according to the mode in which the assignee or official assignee is alleged to be appointed, shall be *prima facie* evidence in all courts, whether civil or criminal, of such appointment, and of the regularity of all proceedings at the time thereof and antecedent thereto.
- 35 8. One per centum upon all moneys proceeding from the sale by an Assignee under the provisions of this Act, of any immovable property in Lower Canada, shall be retained by the Assignee out of such moneys, and shall by such assignee be paid over to the Sheriff of the District, or of either the Counties of Gaspé or Bonaventure, as the case may be, within which the immovable property sold shall be situate, to form part of the Building and Jury Fund of such District or County.
- 40 9. The Governor in Council shall have all the powers with respect to imposing a tax or duty upon proceedings under this Act, which are conferred upon the Governor in Council by the 32nd and 33rd sections of the 109th chapter of the Consolidated Statutes for Lower Canada, and by the Act intituled, An Act to make provisions for the erection or repair of Court Houses and Gaols at certain places in Lower Canada, [12 Vic., Cap. 112.]
- 45 14. This Act shall be called and known as "The Insolvent Act of 1863."

"Assignee."  
"Day."

"Creditors."

"Collocated."

Application of this Act to unincorporated trading companies.

Assignee to be an agent within the meaning of Consolidated Statutes of Canada, Cap. 92 sec. 43.

Deed of assignment, &c, to be *prima facie* evidence

Percentage from sales under this Act to form part of Building and Jury Fund.

Power of Governor to impose a tax on proceedings.

Short title.