

Assignee to be an officer of Superior Court, and liable as such.

**11.** Every Assignee of an Insolvent whose assignment has been accepted as aforesaid, shall be held to be an Officer of the Superior Court of Lower Canada, subject to its summary jurisdiction, and to all the responsibilities and remedies to which a curator to a vacant estate is subjected; and any question arising between creditors of the Insolvent as to the amount due to them or the mode of ranking, and any question between the Assignee and any creditor, arising upon the deed of Assignment, shall be settled in a summary manner by any Judge of the said Court in vacation, or by the said Court in term, upon Petition of such Assignee or creditor.

Assignment to include books of account, &c.

**12.** Every general assignment of the estate and effects of an Insolvent shall be held to include his books of account and the vouchers, accounts and other papers relating to his business, and also all moneys and negotiable paper, stocks, bonds, and other securities, besides the ordinary assets of such Insolvent.

Creditor of an Insolvent may demand an assignment.

**13.** It shall be lawful for any creditor of an Insolvent Trader to make or cause to be made, a demand in writing upon such Insolvent, requiring him to make an assignment of his estate and effects for the benefit of his creditors; and the Insolvent shall forthwith thereupon stop his trade or business, and discontinue all sales of goods or collection of moneys therein; and if he refuses to make such an assignment upon being required so to do as aforesaid, or if he continue to sell or otherwise to trade thereafter, or if he collect or receive thereafter any moneys due to him, then in any such case he shall be held to be about to secrete his effects with intent to defraud his creditors; and if under this section, or under the 87th chapter of the Consolidated Statutes for Lower Canada, or under any other provision of law, a writ of attachment, (*saisie arret* before Judgment) be issued against the estate and effects of such Insolvent, the officer charged with the execution of such writ shall be entitled to seize and attach thereunder all the books of account, documents, papers, bonds, obligations, moneys and securities for money of every kind and nature soever belonging to such Insolvent:

Penalty on debtor refusing.

Appointment of Curator.

And if such seizure and attachment be subsequently declared valid by the judgment of a competent Court, it shall be the duty of such Court by the same judgment to order that a curator be appointed to wind up the estate of such Insolvent trader in the same manner and with the same powers as if such estate were vacant.

Effect of insolvency as to transfers of property by debtor.

**14.** The insolvency of a trader under this Act shall have the same effect in law as to such trader,—and as to his estate and effects,—and as to the effect of any previous or subsequent transfer, sale, *dation en paiement*, unjust preference, or other transaction executed, granted or entered into, with or in favor of any creditor either directly or indirectly,—as would the absolute and total insolvency or bankruptcy (*déconfiture*) of such trader under the laws heretofore in force in Lower Canada.

Assignment not to discharge persons secondarily liable, or affect hypothecs, &c.

**15.** In the event of an assignment being accepted, or a deed of composition executed and perfected within the meaning of this Act, and the Insolvent trader thereby discharged from his liabilities, such acceptance, execution of composition deed, or discharge, shall not operate any change in the liability of any person or company secondarily liable for the debts of such insolvent, either as drawer or endorser of negotiable paper, or as guarantor, surety or otherwise; nor shall such discharge affect any mortgage, *hypothèque*, lien or collateral security held by any creditor as security for any debt so discharged.