

books and accounts; or if such facts be alleged by any contestation praying for the suspension of the discharge of the insolvent, or for its classification as second class, the Court or Judge may thereupon order the suspension of the operation of the discharge of the insolvent for a period not exceeding five years, or may declare the discharge to be of the second class, or both, according to the discretion of the Court or Judge; 5

How the discharge shall be provable.

108. Until the Court or Judge, as the case may be, has confirmed such discharge, the burden of proof of the discharge being completely effected under the provisions of this Act, shall be upon the insolvent; but the confirmation thereof, if not reversed in appeal, shall render the discharge thereby confirmed, final and conclusive; and an authentic copy of the judgment confirming the same shall be sufficient evidence, as well of such discharge as of the confirmation thereof; 10

Application to Court of Judge for discharge, if not obtained from creditors.

109. If, after the expiration of one year from the date of an assignment made under this Act, or from the date of the issue of a writ of attachment thereunder, as the case may be, the insolvent has not obtained from the required proportion of his creditors a consent to his discharge, or the execution of a deed of composition and discharge, he may apply by petition to the Court or Judge, having power hereunder to confirm his discharge if consented to, to grant him his discharge, first giving notice of such application, (Form P.) for two months in the manner hereinbefore provided for notice of application for confirmation of discharge; 15 20

Proceedings on such application.

110. Upon such application any creditor of the insolvent, or the assignee by authority of the creditors, may appear and oppose the granting of such discharge upon any ground upon which the confirmation of a discharge may be opposed under this Act, or may claim the suspension or classification of the discharge or both; and thereupon the Court or Judge, as the case may be, after hearing the insolvent, and the objecting creditor, and any evidence that may be adduced, may make an order either granting the discharge of the insolvent or refusing it; or in like manner and under the like circumstances to those in and upon which the discharge could be suspended or classified as hereinbefore provided upon an application to confirm it, an order may be made suspending it for a like period, or declaring it to be of the second class, or both; 25 30 35

Suspension of discharge on application of creditors.

111. If at any time before judgment upon an application for obtaining a discharge, the creditors or the same proportion of them, that may bind the remainder by a consent to a discharge—shall file before Court, or Judge before whom such application is pending, a declaration in writing, setting forth that it is their desire that the discharge of the Insolvent should (if granted) be suspended for a period therein named not exceeding five years, or that it should be classed as second class, or both; and thereupon if such Court or Judge should be of opinion that the Insolvent is not shewn to have done or omitted anything, the doing or omission of which would deprive him of the right to his discharge under this Act (but not otherwise) and shall therefore be of opinion to grant his discharge, such Judge shall declare such opinion, and shall thereupon grant such discharge, but suspending the same as required by such declaration of the creditors; 40 45 50

Discharge, if obtained by fraud, to be void.

112. Every consent to a discharge or composition, or confirmation, of any discharge or composition, which has been obtained by fraud or fraudulent preference, or by means of the consent of any creditor procured by the payment or promise of payment to such creditor, of any valuable consideration for such consent, or by any fraudulent contrivance or practice whatever tending to defeat the true intent and 55