

10. The Judge shall have the same power and authority in respect of Commissions for examination of witnesses, as are possessed by the ordinary Courts of Record in the section of the Province in which the proceedings are being carried on.

5 11. All rules, orders and warrants, issued by any Judge or Court Service of process in any matter or proceeding under this Act, may be validly served in any part of this Province upon the party affected or to be affected throughout the whole thereby; and the service of them or of any of them may be validly made Province. in such manner as is now prescribed for similar services in that part of the Province within which the service is made. And the person charged with such service shall make his return thereof and on oath, or if a Sheriff or Bailiff in Lower Canada, may make such return under his oath of office.

12. The 4th, 5th, 7th, 8th, 9th, 10th, 11th and 13th clauses of cap. 79 of the Consolidated Statutes of Canada shall apply to proceedings under this Act; and the whole of cap. 80 of the said Consolidated Statutes shall also apply to proceedings under this Act, in the same manner and to the same extent as to proceedings before Courts of Record in Upper and Lower Canada. Certain sections of Cap. 79 Consolidated Statutes Canada to apply.

13. The forms appended to this Act or other forms in equivalent Forms. terms, shall be used in the proceedings for which such forms are provided. But in every petition, application, motion, contestation, or other pleading under this Act, the parties may state the facts upon which they rely in plain and concise language, to the interpretation of which the rules of construction applicable to such language in the ordinary transactions of life shall apply. And no allegation or statement shall be held to be insufficiently made, unless by reason of any alleged insufficiency, the opposing party be misled or taken by surprise.

14. The rules of procedure as to amendments of pleadings, which Amendments of proceedings are in force at any place where any proceedings under this Act are carried on, shall apply to all proceedings under this Act. And any Judge before whom any such proceedings are being carried on shall have full power and authority to apply the appropriate rules as to amendments, to the proceedings so pending before him. And no pleading or proceeding shall be void by reason of any irregularity or default which can or may be amended under the rules and practice of the Court.

15. The death of the insolvent, pending proceedings upon a voluntary assignment or in compulsory liquidation shall not affect such proceeding, or impede the winding up of his estate. And his heirs or other legal representatives may continue the proceedings on his behalf to the procuring of a discharge, or of the confirmation thereof, or of both. Effect of death of insolvent pending proceedings.

16. The costs of the action to compel compulsory liquidation shall be paid by privilege as a first charge upon the assets of the insolvent; and the costs of the judgment of confirmation of the discharge of the insolvent, or of the discharge if obtained direct from the Court, and the costs of winding up the estate, being first submitted at a meeting of creditors, and afterwards taxed by the Judge, shall also be paid therefrom. Costs of action to compel compulsory liquidation.

17. In Lower Canada rules of practice for regulating the due conduct of proceedings under this Act before the Court or Judge, and tariffs of fees for the officers of the Court, and for the Advocates and Attorneys practising in relation to such proceedings, shall be made forthwith after the passing of this Act, and when necessary repealed or amended, and shall be promulgated under and by the same authority and in the same manner as the rules of practice and tariff of fees of the Superior Court for Lower Canada: and shall apply in the same manner and have the same effect in respect of the proceedings under this Act, as the rules of practice and tariff of fees of the Superior Court apply to and affect the proceedings before that Court. And bills of costs upon proceedings Rules of practice and tariff of fees in Lower Canada.