

Assignor may be examined as to his assignment being a full and fair surrender of his estate.

XIII. In like manner any assignor may be examined on oath touching his assignment and the same being a full and fair surrender of all his estate for the benefit of his creditors, or touching any preferences he may have made, or transference of any property within sixty days of the making of such assignment, or the payment or transference of any money otherwise than in the discharge of a bona fide debt or obligation ; and where any collusive malversation is discovered, the assignee shall be entitled to sue for its amount in like manner as for any debt due to the estate, or for double the amount of any preference as hereinbefore provided. 5 10

Questions at meetings to be determined by a majority in value of creditors present, &c.

XIV. All questions at any meeting of creditors shall be determined by the majority in value of those present and entitled to vote, unless in cases herein otherwise provided for ; and when for the purpose of voting, the creditors are required to be counted in number, no creditor whose debt is under one hundred dollars, shall be reckoned in number, but his debt shall be computed in value. 15

Effect of general assignments, as regards Bills of sale, chattel mortgages, &c.

XV. No bill of sale, chattel mortgage, or other instrument whereby an exclusive right of property is created or attempted to be created, in goods, chattels or other effects of which the grantor still retains possession, and no confession of judgment or execution following thereon, except for rent, or for a less amount than one hundred dollars, shall be effectual for the benefit of any creditor or creditors over a general body of creditors, but all such instruments or proceedings may and shall be superseded by an assignment for the general benefit of creditors within days of the date, registration or execution of such. 20 25

Creditors in certain cases may compel a debtor to make an assignment.

XVI. It shall be competent to any creditor or creditors whose claim or united claims amount to five hundred dollars, to challenge any such deeds or proceedings, and to summon the debtor forthwith to show cause why he should not make an assignment of his whole estate for the benefit of all his creditors, and also to summon the holder of any such deed or the taker of any such proceedings, to show cause why he should thereby obtain an undue advantage over his co-creditors ; and the Judge on hearing parties for their several interests, or on the failure to appear of the debtor, or execution or judgment creditor so summoned, may order such assignment to be forthwith made, and decree that a refusal to make the same shall be an act of fraud on the part of such debtor, and punishable as such ; or in case the debtor may not have been summoned as law directs, on account of his absconding or keeping out of the way, the Judge may *sist* all proceedings, to the effect of preserving the estate for the benefit of the entire body of creditors, or do otherwise in the premises, as the justice of the case may require ; Provided always, that all creditors, Sheriffs or others who have incurred costs in taking any such proceedings, shall have such costs as taxes reimbursed out of the proceeds of the estate. 30 35 40

Judge may decree refusal so to do to be an act of fraud, &c.

Proviso.

Judges who may decide such cases.

XVII. The Judges before whom any such cases may be brought, shall be the Judges of the Court of Queen's Bench and Common Pleas, or the Judge of any County Court in Upper Canada, or of the Superior Court in Lower Canada, and they shall be entitled to hear and dispose of the same summarily at their chambers, whether their respective Courts be in session or not. 50

Recital.

XVIII. And whereas it has been the practice in this Province for per-