

Discharge not to affect certain debts.

XII. The discharge effected by the acceptance within the meaning of this Act, of an assignment of the estate of an insolvent debtor, shall not apply to any debt for enforcing the payment of which, *contrainte par corps*, is granted by this Act; nor to any debt due as damages for personal wrongs; nor shall such debts, nor the creditors thereof be computed in ascertaining whether a sufficient proportion of the creditors of such insolvent have accepted his assignment: Provided always, that if the creditors of any such debts accept the assignment, such debts shall be computed and shall be discharged in the same manner as ordinary commercial debts.

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Proviso.

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Debtor whose assignment is accepted may apply to the Sup. Court for a discharge.

XIII. It shall be lawful for any insolvent whose assignment has been accepted within the meaning of this Act, to apply by petition to the Superior Court for Lower Canada, sitting in the district in which such insolvent has his domicile, for a confirmation of the discharge effected by such acceptance, and notice of such application shall be given by advertisement in the *Canada Gazette* for two months, and also for the same period in one newspaper published in French and in one newspaper published in English, in or nearest to the place of residence of such insolvent; and upon such application it shall be lawful for any creditor of such insolvent to appear and oppose such confirmation, either upon the ground of fraud or evil practice in procuring the acceptance by the creditors of the deed of assignment; or of the insufficiency in number or value of the creditors accepting the same; or of the fraudulent retention or concealment by the insolvent of some portion of his estate or effects. And the said Court, upon hearing such application and the objections thereto and the evidence in support thereof, shall have power either to grant or refuse such confirmation. And until the Court shall have confirmed such discharge, the burden of proof of the acceptance of the requisite number of creditors, and of the said discharge being completely effected under the provisions of this Act shall be upon the insolvent; but the confirmation thereof by the Court 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.

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Proceedings on such application.

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Proof of acceptance of assignment.

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Right of Vendor of Goods restricted.

XIV. The exercise of the rights and privileges conferred upon an unpaid vendor of goods, by the 176th and 177th articles of the *coutume de Paris*, in all cases of sales of merchandize to a trader subsequently becoming insolvent, is hereby restricted to a period of fifteen days from the delivery of such merchandise.

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Proceedings if the insolvent be also a partner in some co-partnership.

XV. If an insolvent trader enter into an unincorporated trading company or copartnership as a member thereof, or become insolvent while a member of an unincorporated trading company or copartnership, any judgment creditor of such trader may cause to be served upon such trading company or copartnership, a notice informing them of the insolvency of such trader, stating the amount of the judgment against him, with such interest and costs as may be due thereon, and requiring payment thereof from such trading company or copartnership, and if upon such service the amount of such judgment, interest and costs, and the costs of such service be not forthwith paid by such insolvent trader to such creditor, such non-payment shall entitle the solvent partner or partners therein to dissolve such company in the same manner as if it had expired by efflux of time; and if within thirty days from such service, the copartnership existing between such insolvent trader and such trading company or copartnership shall not have been dissolved

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