

cause to suspect they are, and to seize upon and secure the effects of such bankrupt wherever they shall be found in his possession, or in the possession of any other person or persons.

Of Guardians.

XXIV. Any person who, by writing under his hand, shall undertake to the Sheriff, to be guardian or keeper of any of the effects or estate of such bankrupt, so seized and taken possession of under any Commission, shall, in such capacity be deemed an officer of the Court of Bankruptcy, and as such, answerable by his body for the safe custody and production of the estate and effects of which he may have undertaken the guardianship or keeping.

Commission to
operate as on
assignment.

XXV. The Commission of Bankruptcy shall vest and be construed to vest in the official assignee of the district in which such commission shall have issued, all the property of the bankrupt, both real and personal, which he could in any way have lawfully sold, assigned, or conveyed, or which might have been taken in execution on any judgment against him, at the date of the Commission, although the same may then be attached on mesne process or in execution as the property of the said bankrupt, and any such attachment shall by such commission be superseded and dissolved; and the said Commission shall vest and be construed to vest, in the said assignee, all debts due to the bankrupt or any person in trust for him, or to his use, all liens and securities therefor, and all the bankrupt's rights of action for any goods or estate, real or personal, and all his rights of redeeming any such goods or estate, and shall give power to such assignee to redeem all mortgages, hypothecs, conditional contracts, pledges, and liens, of or upon any goods or estate of the bankrupt, or to sell the same, subject to such mortgage or other incumbrance, and the bankrupt shall likewise, at the expense of the estate, make and execute all such deeds and writings, and indorse all such bills, notes, and other negotiable papers, and draw cheques and orders for moneys deposited, and do all such other lawful acts and things as the said assignee shall at any time reasonably require, and which may be necessary for enabling the assignee to demand, recover and receive all his estate and effects, whether in or out of this Province; and the assignee shall have the like remedy to recover all the said estate, debts and effects in his own name, as the bankrupt might have had if no commission had issued against him; and if at the date of such commission any suit or action shall be pending in the name of the bankrupt, for the recovery of any debt or other thing which might or ought to pass to the assignee, such assignee, if he desire it, shall be admitted to intervene, and upon simple motion to that effect, become a party to, and to substitute his name for that of the bankrupt, and thenceforth in his own name to prosecute in like manner, and to the like effect, as if the same had been originally commenced by him as such assignee; and in case of the death or removal of the assignee, the new assignee shall, upon his application, be admitted to prosecute such suit or action, and to the like effect, as if the same had been originally commenced by him; and if the bankrupt shall die after the date of the said commission, all proceedings shall, notwithstanding, be continued and concluded in the like manner, and with the same validity and effect as if he had lived; and in that case the allowance to the bankrupt, on the net produce of his estate, if any, shall be paid to his heirs, executors or administrators, and shall be disposed of and distributed in the same manner as any other property of which he may die possessed.

Death of the
bankrupt.