

Creditors, over and above all discounts from such Debtor or Debtors, which affidavit shall be sworn to before the Clerk of the Peace presiding at such meeting, who is hereby authorized to administer the same, or before some Commissioner for taking affidavits to be read in the Supreme Court.

XIV. And be it enacted, That if on the examination of the petitioning debtor or debtors at any public meeting of creditors called under the provisions of this Act, it shall appear, under oath as aforesaid, to the satisfaction of the Clerk of the Peace presiding at such meeting, that such petitioning debtor or debtors shall have included in his or their petition to the Master of the Rolls any person as a creditor who is not in truth and fact a creditor, or as a creditor for a lesser or greater amount than the sum named in such petition, or that such petitioning debtor or debtors shall have omitted in such petition the name and amount of any creditor or creditors who should have been included, it shall and may be lawful for the Clerk of the Peace presiding at such meeting, and he is hereby required to add to or diminish the list of creditors of such petitioning debtor or debtors, and also to increase or lessen the amount of the respective creditors' claims against such petitioning debtor or debtors, according to the facts, and to make such additions, omissions and alterations form part of the minutes of the meeting, and be certified accordingly; and every creditor or his agent in the list, when so corrected by such Clerk of the Peace there present, shall be entitled to vote and rank at such meeting according to the respective amounts of his debts in such list as corrected; but every such creditor, whose claim, if disputed, although so sworn to, and entered upon the list as aforesaid, shall not be allowed to take the benefit of any arrangement or agreement that may be made at any such meeting between such debtor and such three fifths of his creditors then present in number and amount as aforesaid, including any such creditor whose claim may be so disputed as aforesaid, until such creditor whose claim may be so disputed, shall establish the validity of such claim by the judgment of some Court in the Province competent to try the same in due course of Law, or by Arbitration as such three fifths of the other creditors as aforesaid shall and may require; and in every such case it shall be lawful for any such creditor, whose debt or debts may be so disputed, and who may be so required to establish the same, to proceed by action notailable at Law, or suit in Equity, as the case may require, according to the ordinary course of Law or Equity against such debtor or debtors, to trial and judgment, notwithstanding any order may be made by the Master of the Rolls for the discharge of any such debtor or debtors from his debts under the provisions of this Act: Provided nevertheless, that no execution against the property or person of any such debtor or debtors who shall have been so discharged, shall issue upon any such judgment so obtained, but that such creditor or creditors so obtaining such judgment or award in his favor shall then be entitled to come in with the other creditors to take the benefit of the arrangement that may have been so agreed to with such debtor or debtors as aforesaid, in due proportion according to the amount of such judgment or award in his favor, and costs.

If necessary, list of creditors to be amended according to the facts; alterations to form part of the minutes.

Votes may be taken according to corrected list; but disputed debts not to rank under any arrangement until established by a competent Court.

XV. And be it further enacted, That every creditor of such debtor or debtors taking the benefit of this Act, who may not have signed the arrangement or agreement that may have been made at any such public meeting as aforesaid, shall be at liberty and have full right to come in and participate in any benefit to be derived by the other creditors, under the terms of such arrangement or agreement, in due proportion with the other creditors, by signifying his assent thereto at any time within one year after the making of any such arrangement or agreement, and that all and every the balance of any assets, property or effects that may be given up or assigned over by any such debtor or debtors for the benefit of his or their creditors under the terms of any such arrangement or agreement, which shall remain undivided and paid in due proportion among the creditors, after the expiration of one year from the making of such agreement, shall then be divided and paid in due proportion to and among the *bonâ fide* creditors who may then have come in and assented to such arrangement or agreement: Provided always, that if on such final division among the creditors who may come in within one year as aforesaid, there should be any surplus after paying the creditors who may then have come in, twenty shillings in the pound on the respective amounts of their debts, such surplus shall be paid back to such debtor or debtors, his Executors, Administrators or Assigns.

Creditors may assent to arrangement after the public meeting and participate in all the benefits.

Proviso for the debtor after 20s. to the pound shall have been paid.