

ments upon which the debtor is only indirectly or secondarily liable and which is not mature or exigible, such creditor shall be considered to hold security within the meaning of this Section and shall put a value on the liability of the party primarily liable thereon as being in security for the payment thereof, but after maturity of such liability and its non-payment he shall be entitled to amend and re-value his claim.

20. (1) Every person claiming to be entitled to rank on the estate assigned, shall furnish to the assignee particulars of his claim, proved by affidavit, and such vouchers as the nature of the case admits of;

(2) In case a person claiming to be entitled to rank on the estate assigned does not, within a reasonable time after receiving notice of the assignment and of the name and address of the assignee, furnish to the assignee satisfactory proofs of his claim as provided by this and the preceding Section of this Act, the Judge of the County Court of the County wherein the debtor at the time of making the assignment resided or carried on business may, upon a summary application by the assignee, or by any other person interested in the debtor's estate, (of which application at least three days notice shall be given to the person alleged to have made default in making a claim as aforesaid) order that unless the claim be proved to the satisfaction of the Judge within a time to be limited by the order the person making default shall no longer be deemed a creditor of the estate assigned and shall be wholly barred of any right to share in the proceeds thereof, and if the claim is not so proved within the time so limited, or within such further time as the said Judge may by subsequent order allow, the same shall be wholly barred and the assignee shall be at liberty to distribute the proceeds of the estate as if no such claim existed, but without prejudice to the liability of the debtor therefor;

(3) A person whose claim has not accrued due shall, nevertheless, be entitled to prove under the assignment and to vote at meetings of the creditors, but in ascertaining the amount of any such claim, a deduction for interest shall be made for the time which is to run until the claim becomes due;

(4) At any time after the assignee receives from any person claiming to be entitled to rank on the estate, proof of his claim, notice of contestation may be served by the assignee upon the claimant. Within thirty days after the receipt of the notice, or such further time as the Judge of the County Court of the County in which the assignment is registered, may on application allow, proceedings shall be taken by the claimant to establish the claim. Such proceedings may be by a summary application to the said Judge of the County Court, who, after reasonable notice to the assignee, (as to the sufficiency of which notice the Judge shall determine), shall proceed to hear the parties and such witnesses as may be produced before him, and shall decide according to the right of the matter:

(a) The decision of the Judge shall be subject to appeal as in ordinary cases in the County Court.

21. The property and assets of any such estate shall not be removed out of the Province without the order of the County Court Judge of the County in which the assignment is registered, and the proceeds of the sale and all moneys received on account of any estate shall be deposited by the assignee in one of the incorporated banks within this Province, and shall not be withdrawn or removed without the order of such County Court Judge, except in payment of dividends and other charges incidental to the winding up of the estate; and any assignee or other person acting in his stead or on his behalf violating the provisions of this Section shall be liable to a penalty of five hundred dollars, which may be recovered in an action of debt in any Court of competent jurisdiction by any person suing for the same; and one half of the said penalty shall go to the person suing therefor, and the other half shall belong to the estate of the assignor; and on default of payment of the said penalty and all costs which may be incurred, the party in default shall be disqualified from acting as assignee of any estate while such default continues.

22. Upon the expiration of one month from the first meeting of the creditors, or as soon as may be after the expiration of such period, and afterwards from time to time at intervals of not more than three months, the assignee shall prepare and keep constantly accessible to the creditors accounts and statements of his doings as such assignee and of the position of the estate, and he shall declare dividends of the estate whenever the amount of money in his hands will justify a division thereof and also whenever he is requested by the inspectors.

23. So soon as a dividend sheet is prepared, notice thereof shall be given by letter posted to each creditor, enclosing an abstract of receipts and disbursements, showing what interest has been received by him for money in his hands, together with a copy of the dividend sheet, noting thereon the claims objected to and stating whether any reservation has or has not been made therefor, and after the expiry of eight days from the day of mailing such notice, abstract and dividend sheet as aforesaid, dividends on all claims not objected to within that period shall be paid.

24. The law of set-off shall apply to all claims made against the estate, and also to all actions instituted by the assignee for the recovery of debts due to the assignor, in the same manner and to the same extent as if the assignor were plaintiff or defendant, as the case may be, in so far as the claim for set-off shall be affected by the provisions of this or any other Act respecting fraudulent preferences.

25. Any affidavit authorized or required under this Act may be sworn before a Commissioner for taking Affidavits to be read in the Supreme Court, or before a Justice of the Peace, or if sworn out of New Brunswick, before a Notary Public.

#### IN THE SUPREME COURT.

NOTICE is hereby given, That upon the application of Francis P. Starr, of the City of Saint John, in the City and County of Saint John, and Province of New Brunswick, Merchant, I have directed all the estate, as well real as personal, of Frank S. Scammell, of said City of Saint John, Merchant, an absconding, concealed or absent debtor, to be seized; and unless he return and discharge his debts within three months after publication hereof, such estate will be sold for the payment thereof.

Dated the 21st day of February, A. D. 1895.

W. H. TUCK, J. S. C.

PUBLIC NOTICE is hereby given, that we, the undersigned, have been duly appointed Trustees for all the creditors of the Estate and effects of Spurgeon Duncan, late of the Parish of

Salisbury, in the County of Westmorland, and Province of New Brunswick, an absconding debtor, and have been duly sworn: All persons indebted to the said Spurgeon Duncan, will, on or before the first day of May next, pay to us, or either of us, all sums of money they owe to the said Spurgeon Duncan; and all persons having any effects of the said Spurgeon Duncan in their hands or custody, will deliver the same to us, or either of us, as aforesaid; and we require all the creditors of the said Spurgeon Duncan, on or before the first day of May next, A. D. 1895, to deliver to us, or some one of us, their respective Accounts and demands against the said Spurgeon Duncan, that justice may be done to the parties.

Dated the tenth day of February, A. D. 1895.

ROLAND F. KEITH,  
D. SINCLAIR SMITH, } Trustees.  
JAMES NELSON,