

was sufficient. The learned judge in insolvency held that it was necessary to send notices by mail; that the true construction of section 11 was, that in cases where notices were required to be given by advertisement, two weeks notice in the *Official Gazette*, and in one newspaper, was in all cases sufficient unless the act *specially designated the nature of the notice*, in which cases the advertisement instead of being for two weeks, and in a paper nearest to the place where the proceedings are being carried on would be for the period and in the mode so designated; but that in *all* cases the person giving the notice, whether for two weeks or for the period, and in the manner so designated, was to send notices by mail.

One of the time-honoured fictions of our law is, that every one is presumed to know it; and another, that a notice in the *Official Gazette* is notice to all the world. Our Legislature in framing the Insolvent Act appear to have considered that, however much to be venerated for its antiquity, such a mode of giving notice was of little practical utility; and that it would be well, therefore, that creditors should have *actual notice*; and it is submitted with great deference to the opinion of the learned Chief Justice who reversed the decision of the judge below, that it was intended, under the Insolvent Act, that creditors should in all cases receive actual notice in addition to the two weeks publication; and that in certain cases the publication should be for a longer period.

The Chief Justice appears to have fallen into an error in supposing that sub-section 2 of section 2 *requires* notice to be sent. That section assumes that the notices referred to in section 11 are required, but further provides that they shall be accompanied with a list of creditors.

But if the construction placed upon the 11th section by the Chief Justice be the correct one, it follows: that although that section professes to *regulate procedure generally*, the Legislature have strangely omitted to make any regulation whatever in the cases to which the words in question apply. The Chief Justice thinks the meaning of those words to be "without a special statement of the matter to which such notice relates." Then section 11—not applying to such cases—for what period, and in what manner are such notices to be advertised? for one week, and in one paper? at whose discretion is it to be varied? by the assignee or insolvent, or by application to the judge? Manifestly it was intended to secure uniformity in procedure by the clause in question. This would be attained by placing this construction upon it which was adopted by the judge below and which makes the whole act consistent. Such construction moreover secures to the creditors, what, in my humble judgment, the Legislature intended they should have, viz., actual notice of the proceedings which were being taken to wipe out their claims.

Yours, &c., A BARRISTER.

[The matters above referred to are well worthy of discussion. The name and standing of our correspondent lend additional weight to the views he puts forward. *Thorne v. Torrance* no doubt has taken many by surprise, and, it is hoped, will be reversed in appeal. The case referred to by our correspondent in the latter part of his letter is doubtless that of *In re Waddell*, which our readers will find reported in full in a former page of the present number.—Eds. L. J.]

APPOINTMENTS TO OFFICE.

COUNTY COURT JUDGES.

JOHN DEACON, of Osgoode Hall, Esquire, Barrister-at-Law, to be Judge of the County Court in and for the County of Renfrew. (Gazetted Aug. 25, 1866.)

EDWARD HORTON, of Osgoode Hall, Esquire, Barrister-at-Law, to be Deputy Judge of the County Court in and for the County of Elgin. (Gazetted Aug. 18, 1866.)

POLICE MAGISTRATE.

LAWRENCE LAURASON, Esquire, to be Police Magistrate for the City of London. (Gazetted Aug. 18, 1866.)

SHERIFF.

JAMES MORRIS, Esquire, to be Sheriff in and for the County of Renfrew. (Gazetted Aug. 25, 1866.)

COUNTY CROWN ATTORNEY.

WILLIAM DUCK, of Osgoode Hall, Esquire, Barrister-at-Law, to be Clerk of the Peace and County Crown Attorney in and for the County of Renfrew. (Gazetted Aug. 25, 1866.)

CLERK OF COUNTY COURT.

ARCHIBALD THOMSON, Esquire, to be Clerk of the County Court in and for the County of Renfrew. (Gazetted Aug. 25, 1866.)

REGISTRAR.

ANDREW IRVINE, Esquire, to be Registrar of the County of Renfrew, in the room of James Morris, Esquire, appointed Sheriff of said County. (Gazetted Aug. 25, 1866.)

NOTARIES PUBLIC.

EDWARD ROBINSON, of the town of Chatham, Esquire, Attorney-at-Law, to be a Notary Public for Upper Canada.

FRANK EVANS, of Orillia, Esquire, Barrister-at-Law, to be a Notary Public for Upper Canada.

ARCHIBALD LEITCH MACLELLAN, of Belleville, Esquire, Attorney-at-Law, to be a Notary Public for Upper Canada.

WILLIAM BEALL, of Columbus, Esquire, to be a Notary Public for Upper Canada. (Gazetted Aug. 4, 1866.)

HENRY O'BRIEN, of the city of Toronto, Esquire, Barrister-at-Law, to be a Notary Public for Upper Canada.

THOMAS O'BRIEN, Esquire, Barrister-at-Law, to be a Notary Public for Upper Canada. (Gazetted Aug. 11, 1866.)

FRANCIS TYRRELL, of Morrisburgh, Esquire, Attorney-at-Law, to be a Notary Public for Upper Canada. (Gazetted Aug. 18, 1866.)

CORONERS.

ALEXANDER BELL, of the village of Lakefield, Esq., M.D., to be an Associate Coroner for the County of Peterborough.

JAMES COWAN, of the township of Minto, Esquire, M.D., to be an Associate Coroner for the County of Wellington.

WILLIAM JOSEPH R. HOLMES, of Ainsleyville, Esquire, M.D., to be an Associate Coroner for the United Counties of Huron and Bruce. (Gazetted Aug. 4, 1866.)

JAMES STEPHENSON, of Iroquois, Esquire, M.D., to be an Associate Coroner for the United Counties of Stormont, Dundas and Glengarry.

DANIEL BROWN MCCOOL, Esquire, M.D., to be an Associate Coroner for the United Counties of Huron and Bruce.

CHARLES JAMES STEWART ASKIN, of Chatham, Esquire, M.D., to be an Associate Coroner for the County of Kent. (Gazetted Aug. 11, 1866.)

THOMAS FRER, ALBERT H. DOWSELL, CHARLES YOUNG, JOHN D. CLENDINNEN, GEORGE BURTES, JOHN CHANNONHOUSE, JOHN JUDGE, EDWARD MCKENZIE, JOHN G. CRANSTON, and DAVID EVANS, to be Coroners in and for the County of Renfrew. (Gazetted Aug. 25, 1866.)