

Mart accordingly and from time to time to vary and alter the same and substitute greater or less Tolls according to emergency as the said Justices or the major part of them assembled as aforesaid shall think proper: Hereby also giving and granting to our said Sheriff and his Successors, Sheriffs for the time being of our said District, & Stewards of the said Fair or Mart, full power to levy and enforce the payment of such tolls as fully and effectually to all intents and purposes as if the same had been specifically herein named and given or granted to our said Sheriff and his Successors as aforesaid. PROVIDED ALWAYS that all sums of money thus collected shall be solely appropriated towards the clearing away the plot of ground whereon the said Fair or Mart shall be kept and towards other the incidental expenses necessary to be incurred in making the said Fair-stead convenient and commodious and most useful to the public at large. Provided also that nothing herein contained shall extend to the prejudice or common nuisance of our liege subjects of our Province of Upper Canada.

IN TESTIMONY whereof we have caused these our Letters to be made Patent and the Great Seal of our said Province to be hereunto affixed.

Witness our Trusty and Well-beloved Sir George Arthur, K.C.H., Lieutenant of our said Province and Major General Commanding our Forces therein at Toronto this fourteenth day of November in the year of our Lord one thousand eight hundred and thirty-eight, and in the Second year of our Reign.

By Command of His Excellency.

R. A. TUCKER,
Secretary.

The recent case of *Re Wilson*, 113 L.T. 116, where Horridge, J., held that an alien enemy could not be admitted to prove a claim in bankruptcy, is directly opposed to *Re Boussmaker*, 13 Ves. 71, which does not seem to have been brought to the attention of the Court. In the older case Lord Eldon held that the claim might be proved, but that the dividend thereon could not be paid pending the war, on the ground that the disability of an alien enemy was not to benefit other creditors.