

The statute is divided into 13 sections or chapters, each one (except the first and the last) divided into several sub-sections, and having a descriptive title, as "Of voluntary assignment," "Of dividends," &c., section or chapter 11 being "Of procedure generally."

Under this clause, sub-sec. 1, it is contended by some that in applications under section or chapter 9, treating "Of composition and discharge," it is necessary to address notices to all creditors and representatives of foreign creditors within the province. I contend that it being for procedure generally, does not affect cases which are particularly provided for elsewhere in the statute. Confining this argument to notices under sub-sec. 1 of sec. 11, and referring to the notices mentioned in the act, we find that there are four places in the statute where provisions are made as to how notices shall be given: the first is sub-sec. 13, sec. 4—the assignee may sell the real estate after advertisement for the same time, and *in the same manner*, as required for sales of land by the sheriff. Mark *en passant* that this is a notice "required to be given by advertisement."

The second is sec. 3, sec. 7—notice of appeal. This notice is to be *served* on the opposite party.

The third is sub-secs. 6 and 10, sec. 9—another notice required to be given by advertisement; and the fourth is sub-sec. 7, sec. 11, generally.

Now the statute is positive in its provisions in each one of these sub-sections. The first one reads "but only after advertisement thereof," &c. Can it be contended that under sub-sec. 1, sec. 11, it is necessary, before an assignee can make a legal sale and conveyance of the insolvent estate, he must not only advertise the lands as directed in sub-sec. 13, sec. 4, but also address and mail notices, &c., post paid, as in sec. 11, notwithstanding that this sub-sec. 13 says notice shall be given "*in the same manner*" as sheriffs give notice of sales of land? Clearly not. And yet if the position contended for by Judge Logie is correct, it must go that far, because this is a notice "herein required to be given by advertisement."

The second is not a notice of meeting of creditors, nor is it a notice required to be given by advertisement. The statute in that section says it shall be served upon the opposite party and upon the assignee—positive and

clear enough, but not more so than the other provisions.

The third says, "and notice shall be given by advertisement in," &c., "for two months, and for the same period in," &c. This is also positive and clear enough. Notice of the application is to be advertised for two months as directed. And upon such application, *i.e.*, the application of which notice, as directed, has been given, any creditor may appear, &c. If no other general provision were made as is made in the fourth sub-sec. quoted, there could be no contention that it was necessary to mail notices.

The fourth is also positive and clear: "shall be so given by publication thereof, &c., and in any case, &c., giving such notice shall also, &c. To what, then, does sub-sec. 1 of sec. 11 refer? what notices does it provide for. Before answering this I will give my construction of the sub-section, and what I understand by the words "without special designation of the nature of such notice" (these words seem to be the knot). I take it there are two kinds of classes of notices referred to in this sub-sec. 1st. Notices of meeting of creditors. 2nd. "All other notices required to be given by advertisement, without special designation of the nature of such notice," *i.e.*, this sub-sec. in the first place does specially designate the nature of the notice, *viz.*, meetings of creditors. In the second place, it, the sub-sec., does *not* specially designate the nature of the notice, but provides for all other. Other than what? That *meetings of creditors*, herein required to be given by advertisement, without in this sub-sec. designating their nature, as in the other kind or class, the nature of which is meetings of creditors. A reference to the statute will I think answer my question and sustain my construction.

The first place in this statute where a notice is spoken of as being required is sub-sec. 1, sec. 2. This is for a meeting of creditors, and comes under the first class, and the next sub-sec. says each notice of such meeting sent by post as *hereinafter* provided. The only provision hereinafter made that could touch this case is in sub-sec. 1, sec. 11.

The next notice is sub-sec. 8 of sec. 3. This is a notice to be given by advertisement, and falls under the second class. There is certainly no other place in the statute providing for the manner in which the notice shall be given, and yet it is clear that the whole of sec.