

That the petitioners were at the time of the said assignment, and previously thereto, and have ever since been, and still are creditors of the said insolvent to a large amount, and duly proved their claim against him before the said assignee within the time and in the manner prescribed by the said Act.

That the insolvent gave notice of his intention to apply to the judge of the County Court of the Counties of Lennox and Addington on the tenth day of August, A. D. 1866, for a discharge under the said Act; and on that day he presented to said judge in his Chambers, in the Town of Napanee, a petition for such discharge by his attorney *ad litem*, which said petition was in the words and figures following, that is to say:

“INSOLVENT ACT OF 1864.

“In the County Court of the Counties of Lennox and Addington.

“*In the matter of Thomas Lamb, an insolvent.*

“The petition of Thomas Lamb, of the Town of Napanee, in the Counties of Lennox and Addington, Merchant,

“Humbly sheweth,—That your petitioner made an assignment under the Insolvent Act of 1864, to Henry T. Forward, Esquire, official assignee, which assignment bears date the first day of June, in the year of our Lord one thousand eight hundred and sixty-five.

“That one year has elapsed from the date of the said assignment, and your petitioner has not obtained from the required proportion of his creditors a consent to his discharge.

“That your petitioner has given notice of his intention to apply for his discharge according to the provisions of the said act, and has complied with all the provisions and requirements of the said act.

“Your petitioner therefore prays that he may obtain an absolute and final discharge under the above mentioned act.

“Dated at Napanee this 10th day of August, A. D. 1866.”

That on the said tenth day of August, at the time of the presentation of the said petition, the petitioners appeared, by William Albert Reeve, of the Town of Napanee, Esquire, their counsel, and opposed the prayer of the said petition. Petitioners examined the

said insolvent upon oath before the said judge.

That after said insolvent had been so examined and had been cross-examined by his attorney *ad litem*, the said application was adjourned until the tenth day of September, A. D. 1866, to enable the petitioners to produce certain witnesses for the purpose of examining them before the said judge on the said application, and upon the said tenth day of September the said William Albert Reeve did produce certain witnesses before the said judge, and examined them on behalf of the said petitioners touching the affairs of the said insolvent, which said witnesses or most of them were cross-examined by the attorney *ad litem* for said insolvent. [A copy of the examinations of the insolvent and the witnesses was annexed, but the matter of them is sufficiently stated hereafter.]

That after hearing the evidence and the arguments of counsel for the said insolvent, and for the petitioners and other creditors of said insolvent, the said judge of the County Court of the County of Lennox and Addington, on the sixth day of October, A. D. 1866, in presence of counsel aforesaid, delivered his judgment in writing upon the matter of said application as follows:

“In the matter of Thomas Lamb, an insolvent.

“The petitioner made his assignment on 1st June, 1865, and having been unable to obtain a composition and discharge from his creditors, now seeks for an order from the court granting his discharge.

“The prayer of his petition is opposed by several creditors on the grounds of fraudulent retention or concealment of part of his estate, prevarication and false statements in examination, fraudulent preference of particular creditors, and lastly, of deficient books of account.

“On hearing the parties and attentively considering the facts disclosed on the insolvent's examination before me, I see no reason to believe that he has fraudulently concealed or retained any part of his effects, nor do I think that he was guilty of any prevarication or false statements; on the contrary the insolvent's conduct since his assignment seems to me to be fair and honest, and not liable to the censures attempted to be cast upon it.