

LAW SOCIETY, HILARY TERM, 1866—JUDGMENTS—RULES IN INSOLVENCY MATTERS.

LAW SOCIETY—HILARY TERM, 1866.

The following five gentlemen, in addition to those mentioned in our last issue as having passed the necessary examinations, were, on a subsequent day during the same term, declared qualified, and were called to the bar of Upper Canada:—Thomas Kearton Morgan, Barrie; F. D. Barwick, Toronto; J. E. Harding, St. Mary's; A. T. McPherson, Whitby; and G. O. Freeman, Hamilton.

JUDGMENTS.—HILARY TERM, 1866.

QUEEN'S BENCH.

Present:—DEAPER, C. J.; HAGARTY, J.; MORRISON, J.

Saturday, February 17, 1866.

Commercial Bank v. Great Western Railway Company—Rules nisi to rescind order made by a judge in chambers for inspection of documents discharged.

Commercial Bank v. Great Western Railway Company.—Rule nisi for trial at banc, discharged.

The Niagara Bridge Company v. Great Western Railway Company.—Judgment to be entered for plaintiffs for \$1,603.

Young v. Elliott et al.—Rule absolute for new trial without costs.

Brunskill v. Wilson et al.—Judgment for defendants on demurrer to declaration, with leave to plaintiff to apply to amend.

In re Kellogg and the Mayor of Cornwall.—Rule discharged with costs.

In re Allan and the Court of Revision at Cornwall.—Rule discharged.

In re Prince and the Corporation of the City of Toronto.—Rule discharged.

Clark v. The Western Assurance Company.—Stands.

Flahaff v. Cox.—Stands.

RULES IN INSOLVENCY MATTERS.

We have received the following rules, issued on the 31st January last, by the Judge of the County Court of the County of Wentworth, for the guidance of officers and practitioners in insolvency matters in his county:—

"Until the Judges of the Superior Courts frame and promulgate rules of practice to be observed in proceedings in Insolvency, the following rules and regulations shall be in force in the County Court of the County of Wentworth:

1. The Clerk of the County Court shall attend, either in person or by deputy, all meetings of creditors, and other proceedings had before the Judge, for the purpose of keep-

ing a record of the proceedings in each case, filing papers and cancelling stamps.

2. All proceedings in Insolvency shall be regularly entered by the Clerk in a book to be kept by him for that purpose.

3. All petitions, claims, affidavits, notices and other papers in Insolvency (except proceedings for compulsory liquidation prior to the appointment of an official assignee), shall be entitled as follows:

'INSOLVENT ACT OF 1864.'

'County Court of the County of Wentworth: In the matter of A. B., an Insolvent.'

And no paper shall be received and filed unless the same is properly entitled.

4. Proof of the publication of all notices in the *Canada Gazette* and in local papers, and of the mailing of all notices required to be sent by mail to creditors, shall be by affidavit, and the affidavit shall state distinctly the dates of publication and mailing of notices.

5. In cases where notice is required to be given of any petition or application before hearing the same, the petition and affidavit, or affidavits on which the application is made, shall be filed and a summons to shew cause obtained from the Judge, and the affidavit or affidavits shall shew the residence of the party requiring to be notified, and the distance of such residence from the place of hearing.

6. The summons may be enlarged from time to time in the discretion of the Judge, and on such terms as he may think just.

7. Whenever any number of days is prescribed for the doing of any act in Insolvency, the first and last days are not included, and when the last day happens to fall on a Sunday or other legal holiday, the following day shall be considered the last of such days.

8. The affidavit of indebtedness made by a creditor in order to obtain an attachment for compulsory liquidation, shall set forth the particulars and nature of the debt, with the same degree of certainty and precision as is required in an affidavit to hold to bail.

9. In all appeals from the award of an assignee the matter in dispute shall be set forth in writing, in a clear, precise and intelligible manner, and it shall be accompanied by a copy of the evidence taken before him, and of such documents filed by him or in his possession, as relate to the subject matter of the dispute.

10. The appointment of an official assignee, and the discharge or confirmation of the discharge of any insolvent, shall be executed in duplicate, one of which duplicate parts shall be filed in court.

11. Before any application for the discharge, or the confirmation of the discharge of any insolvent will be entertained, all deeds, documents, notices and other papers required by the act to be filed, shall be filed in Court.