

verally to the Plaintiffs on an account stated. Promise to pay jointly and severally to the Plaintiff, £2,000.

Service of Summons of Declaration on the Defendant, Charles B. Radenhurst. *No return of Bailiff as to the other Defendant, Hector Turnbull.*

Appearance for Radenhurst.—*Turnbull did not appear.*—Declaration of Plaintiff, that he does not intend to proceed in this cause against Hector Turnbull.—Radenhurst pleads.—Proceedings in Bankruptcy against him on his own Petition, as well in his own name as a Co-partner with Hector Turnbull, trading together in Montreal, under the firm of Radenhurst, Turnbull & Co., and in London under the firm of Turnbull and Radenhurst. Commission of Bankruptcy issued 13th December, 1844. Notice given by the Sheriff duly published. Commission returned 27th December, 1844.

Assignee appointed on the same day by Mr. Badgley, a Circuit Judge, viz: John M. Tobin, Merchant.

On the 16th January, 1845, a *second meeting* of the Creditors of Mr. Radenhurst was, in due form of Law, and after due and legal notice, held and convened before Hyp. Guy, Esq., one of the Circuit Judges, at which second meeting the final oath, as required by the Statute, was taken by the said Defendant, Radenhurst, and filed of Record.

Mr. Radenhurst made an offer of composition to his Creditors at the said second meeting, of one shilling and three pence in the pound, payable as stated, and a special meeting was then and there ordered to be held, for the consideration and acceptance of the same.

That on the 16th January aforesaid, 1845, and after due and legal notice, on the 24th of February same year, a special meeting was held in due form of Law, for the consideration and acceptance of the said composition, before Mr. Badgley, at which special meeting were *present two-thirds* in number and value of the proved Creditors, who then and there signified their acceptance of the said composition.

On the said 24th February, in a certain Deed of Composition or Act of *Supersedeas* executed on that day by and between Chs. Blake Radenhurst, as well in his own name, as for and on behalf of his firm of Radenhurst, Turnbull & Co., and Turnbull and Radenhurst of the one part, and Tobin and Murison, and other Creditors of the other part, it was declared that on the 13th December, 1844, a Commission of Bankruptcy did in due course of Law issue against the said Chs. Blake Radenhurst, &c., and had been executed by the Sheriff.

The act proceeds to state the second meeting of Creditors on the 16th January, 1845, at which those Creditors who had not proved their debts at the first general meeting, had been allowed to prove their debts against the said Chs. Blake Radenhurst, and he duly underwent the examination mentioned in the act relating to Bankrupts, and particularly in the 40th section thereof, and took and subscribed the oath required by Law, and that—

Whereas the aforesaid parties of the *other* part, being more than two-thirds of the Creditors. . . in number and value, who have proved their debts at the first and second general meeting, have agreed to *compound* with them, to wit: with the said Chs. Blake Radenhurst, and to supersede the Commission of Bankruptcy.