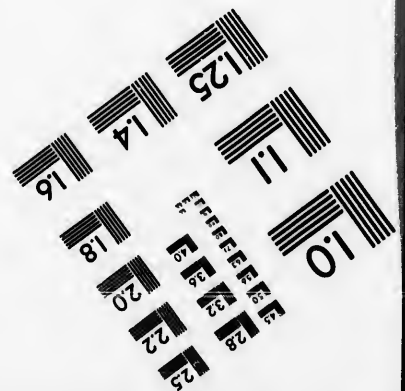
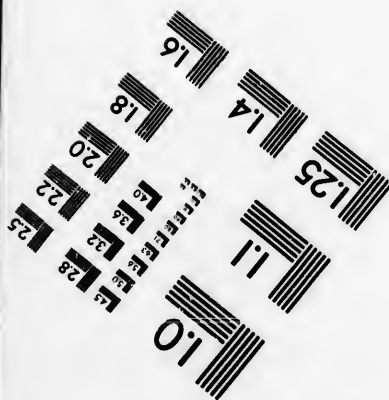
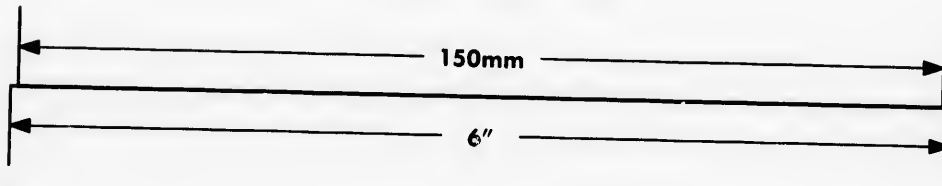
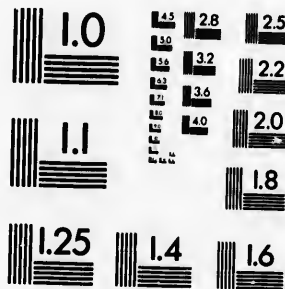
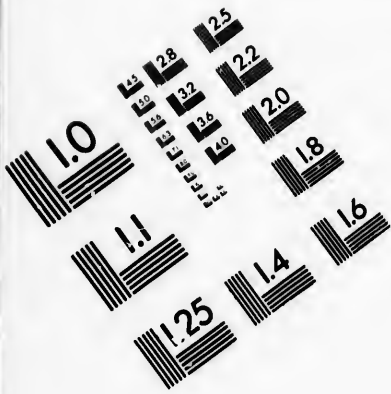


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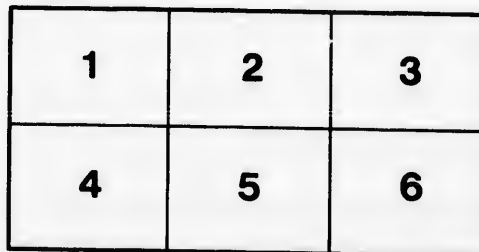
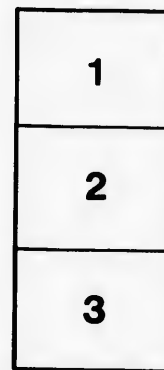
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RULES AND ORDERS
FOR
REGULATING THE FORMS OF PROCEEDINGS,
AND
THE PRACTICE TO BE OBSERVED,
IN
MATTERS OF BANKRUPTCY,
IN THE
DISTRICT OF QUEBEC,
AND
TARIFF OF FEES,
BY THE CIRCUIT JUDGES,

In compliance with the requirements of the 27th Section of the
Statute 9th Victoria, chap. 30.

Approved and Sanctioned by the Judges of the Court of Queen's
Bench, in the October Term, 1846.

345 - 11

QUEBEC:
PRINTED BY T. CARY & CO.
UPPER-TOWN MARKET-PLACE.

1846.

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ERRATA.

Page 12, Rule XXIII, line 2, for "produce," read "deliver."

Page 19, Rule XXXIII, line 4, for "in the hands of the Assignee,"
read "in their hands."

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RULES AND ORDERS

IN

BANKRUPTCY.

Province of Canada, } 24th September, 1846.
District of Quebec. }

WHEREAS by an Act of the Parliament of this Province, passed in the ninth year of the Reign of Her Majesty Queen Victoria, intituled "*An Act to continue and amend the Bankrupt Laws now in force in this Province,*" it is, among other things, provided that "it shall be the duty of the Circuit Judges, acting as Commissioners of Bankrupts for each of the said Districts of Quebec and Montreal, under the said Act, forthwith to prepare general

“ Rules and Orders for regulating the forms of pro-
 “ ceeding and the practice to be observed in matters
 “ of Bankruptcy, not otherwise provided for by the
 “ said Act, or the Act thereby amended, and that it
 “ shall also be their duty forthwith to prepare a
 “ tariff of fees and costs to be allowed and taxable
 “ on all matters coming before them, and that the
 “ said Rules and Orders, and the said Tariff, shall be
 “ submitted to the Judges of the Court of Queen’s
 “ Bench for the said District of Quebec or of Mon-
 “ treal, for which such Circuit Judges may have been
 “ appointed, for the approval and sanction of the said
 “ Judges” ;—

Now therefore, in obedience to the directions
 of the said Act, We, the undersigned Circuit
 Judges, acting as Commissioners of Bankrupts for
 the District of Quebec, have prepared and ordered
 the following Rules for regulating the Forms of pro-
 ceedings and the Practice to be observed in matters
 of Bankruptcy within the said District and also the
 following Tariff of Fees and Costs to be allowed and
 taxable in all matters of Bankruptcy to which they
 may be applicable within the said District ; the
 whole subject to the approval and sanction of the
 Judges of the Court of Queen’s Bench for the said
 District :—

GENERAL RULES.

I.

The Sittings of the Court of Bankruptcy, and all general Meetings in matters in Bankruptcy shall, except where otherwise specially ordered, by the Circuit Judge, be held in the Court Hall, where the General Quarter Sessions of the Peace for the District of Quebec are usually holden (except during the terms of the said Sessions when such Sittings and Meetings shall be held in the Chamber of the Circuit Judges,) and all sales of real property, unless otherwise specially ordered by the Circuit Judge, shall be made in the said Hall.

II.

The Office of the Clerk of the Court of Bankruptcy shall be held in the Court House in the room known as the Grand Jury Room of the said Court of Quarter Sessions, except during the terms of the said Sessions, when the said Office shall be held in the Chamber of the Circuit Judges.

III.

The Office of the Clerk of the Court of Bankruptcy shall be open from the hour of TEN in

the forenoon until the hour of FOUR in the afternoon, on every day appointed for a general Meeting of Creditors or for the hearing of cases in Bankruptcy, and from the hour of TEN in the forenoon until the hour of NOON, and from the hour of TWO until the hour of FOUR in the afternoon, on every other day, Sundays and Holidays excepted.

IV.

No Attorney or Solicitor shall be permitted to appear and act as such, in any matter in Bankruptcy, on behalf of the petitioning Creditor, the Assignee, or the Bankrupt, until he shall have filed with the Clerk of the Court of Bankruptcy a statement in writing, in the Form No. 1, hereinafter prescribed, signed by such Attorney or Solicitor, of his appearance for such person or persons, and every Attorney or Solicitor for a Creditor or Claimant, other than the petitioning Creditor, shall endorse his name upon the Claim filed by him.

V.

It shall be the duty of the Sheriff, to file with his return to every Commission of Bankruptcy executed by him, one number of each of the several newspapers, in which he shall have caused to be published the notice of the issuing of the said Commission, such number of each newspaper, to be the first in which the said notice shall have appeared.

VI.

The Clerk of the Court of Bankruptcy shall keep regular Fyles of the Gazette of Canada, and of such other Newspapers as shall be, from time to time, designated by the Circuit Judges, for the insertion of notices in Bankruptcy, and it shall be his duty, with respect to every order given for a notice in the Newspapers, to verify by the Newspaper Fyles that such order has been complied with, and, by a minute in the Register of the Court, to record the fact of due notice having been given, or the contrary, (as the case may be) which minute shall be *prima facie* evidence of the truth of the statement it may contain.

VII.

All delays relating to such notices shall be computed from the day of the first publication thereof, and, where not otherwise specially ordered by the Judge, three insertions of every notice shall be requisite, in both the english and french Languages.

VIII.

It shall be the duty of the Clerk of the Court of Bankruptcy, at every meeting at which the Circuit Judge shall preside, to make a minute in the Register, of the names of the Creditors and other Persons present at such meeting, claiming to

have an interest in the Estate of the Bankrupt, and whether such Creditors be personally present or represented by Attorney; and every order made and pronounced by the said Judge, while presiding at such meeting, in the presence of such Persons, the Assignees, the Bankrupt, or their respective Solicitors shall be held and considered to be sufficiently notified unto the said Persons, Assignees or Bankrupt, and each of them so present in person or by Attorney.

IX.

The Circuit Judges may, from time to time, designate and appoint a Bailiff of the Court of Queen's Bench to be the Messenger of the Court of Bankruptcy, to attend upon the Judges at all General Meetings of Creditors and Sitzings of the Court, and to make the necessary services of Notices and proceedings in Bankruptcy, and to whom it shall be lawful for the Circuit Judges to address Warrants and such other Process as they may lawfully issue.

X.

No paper of any description whatsoever shall be received or fyled in any matter in Bankruptcy by the Clerk, unless the same be regularly docketed, with the Title of the Cause and the general Description of such paper, and headed with the Title of the

Cause in the Form No. 2, herein after prescribed, save and except such papers as may be attached to any Petition, Claim, Schedule, Return or Affidavit, and referred to therein as being annexed thereto, and Exhibits, which shall be docketed merely as hereinbefore prescribed, and the Clerk shall indorse upon all such papers a memorandum of the time of the fying of the same.

XI.

When paper writings or *preuve littérale* (other than such as may be attached to any Petition, Claim, Schedule, Return, or Affidavit, and therein referred to, as being thereunto annexed) are produced as Exhibits to be fyled in support of any proceeding in Bankruptcy, they shall be accompanied by a List thereof, which list shall be an Inventory to all, each and every the Exhibits therewith fyled, and shall contain the Number, Title, Date and Description of each of the said Exhibits, and be signed by the Party producing the same or his Attorney.

XII.

Every Debt proveable against the Estate of a Bankrupt shall be proved, in the first instance, by the Oath of the Party claiming the same, or of his agent or other person having a personal knowledge thereof, and every such affidavit [of debt, shall

contain the correct designation of the Party claiming the same, his place of abode, his occupation or profession, the exact amount due in principal and interest to the date of the Commission, (where interest may be claimable) the cause and consideration of the debt properly set forth as to time, place and circumstance, and a statement of any and what satisfaction, or security, on account of the said Debt the Party claimant may have received or may hold, or that he has received no such security or satisfaction on account thereof, and that he has no Action pending in any Court, for the Debt so claimed by him: and all Affidavits of Debt shall be in substance as in the Form No. 3, hereinafter prescribed.

XIII.

When any Claim shall be founded upon documentary Evidence, the Documents in support thereof shall be annexed to the Claim or fyled with a List as prescribed by the eleventh rule preceding, and no claim requiring such documentary Evidence shall be allowed, until the said Evidence be produced and fyled.

XIV.

If any Claim be composed of a number of items, or if interest be claimed on any Note or simple Contract, an account in writing containing the

particulars of the Claim and a computation of interest to the date of the Commission, signed by the Claimant, shall be annexed to the Claim, and reference made to therein, and no such Claim, without such Particulars, shall be allowed, unless contained in the Claim itself.

XV.

If any Claim be for a balance due, or in the case where mutual Debts and Credits exist between the Claimant and the Bankrupt, an account containing the particulars of such Debts and Credits, setting off the same, the one against the other, and stating the balance, signed by the Claimant, shall be annexed to the Claim, and no such Claim, without such account of particulars shall be allowed, unless contained in the Claim itself.

XVI.

The Schedule to contain the account of the Bankrupt's Creditors, and other requirements, as prescribed by the 25th section of the Statute 7th Victoria, cap. 10, which the Bankrupt is bound to produce, at the first Meeting of his Creditors shall be in the Form No. 4, hereinafter prescribed, and shall be marked and denominated "Bankrupt's Schedule D." (debts.)

XVII.

The Bankrupt, at the said first Meeting, shall also produce a list of all the Debts due to his Estate, containing the Name, Residence and Addition of the Debtor, the amount due by him, and a statement whether he has any set off against such Debt, and whether the Debt be good, bad or doubtful; which list shall be in the form hereinafter prescribed as Form No. 5, and shall be marked and denominated "Bankrupt's Schedule C." (credits.)

XVIII.

The Bankrupt shall also, at the same time, produce a list or statement of all the property belonging to his Estate exclusive of Debts, whether taken by the Sheriff or to be taken by the Assignees, which list or statement shall be marked and denominated "Bankrupt's Schedule P." (property); he shall also produce a list of his losses to be marked and denominated "Bankrupt's Schedule L." (losses); and a list or statement of his expenses to be marked and denominated "Bankrupt's Schedule E." (expenses); as in the Forms prescribed under the Numbers 6, 7 & 8.

XIX.

The Bankrupt shall also, at the same time, produce a statement in the Form No. 9, to be marked and denominated "Bankrupt's balance sheet,"

wherein the aggregate amount of his Debts and the aggregate amount of his Assets, as far as the same can then be known, shall be accurately stated, so that, at one view, the full value and amount both of Assets and Debts, and the state of his affairs may appear.

XX.

The Balance Sheet and the Schedules D, C, P, L & E mentioned in the preceding Rules shall be of uniform size and attached together, so as to admit of being folded in a convenient Form.

XXI.

Where the Bankrupt is a Partner of a firm, and owes partnership Debts as well as separate Debts, and is entitled to partnership Assets as well as to separate Assets, he shall enumerate such partnership Debts and such separate Debts in a distinct statement in the same Schedule, and also his partnership Assets and his separate Assets in a distinct statement in the other proper Schedule, as nearly and with as much certainty as he can conveniently ascertain and state the same, so that the aggregate amount of the partnership Debts and the partnership Assets and the aggregate amount of the separate Debts and the separate Assets may, as far as practicable, distinctly appear.

XXII.

The amount of debts and the value of assets, when not exactly known by the Bankrupt, may be stated in the proper Schedule as "about so much," or as "unknown," if such be the fact. The omission of a date or of the residence of a Creditor will not be deemed a defect in the Schedule, if it be stated that the same is unknown.

XXIII.

The Bankrupt, at the time of his producing the said Schedules, shall produce the same in duplicate, so that one Copy of each, may be delivered to the Assignee, and the other remain as part of the Record of the case, in the Office of the Court of Bankruptcy.

XXIV.

Whenever the Bankrupt shall be allowed to amend the said Schedules and to correct any mistake therein, such Amendment shall be written out upon a separate Paper, dated and signed by him, and not by Interlineation or Correction of the original Paper, nor in such a manner as to blend Amendments of Schedule D. with Amendments of Schedule C; but the same shall be separate and distinct, such separate Paper shall also be of uniform size with the original Schedules, and shall be deemed a Supplement thereto; and such Amendment shall

be made by the Bankrupt in Duplicate, so as to be annexed as well to the original Schedule delivered to the Assignee as to the Counterpart thereof, remaining in the record.

OF EXPUNGING CLAIMS.

XXV.

Whenever the Assignee, or two or more Creditors, who have each proved Debts to the amount of twenty pounds or upwards shall think proper to represent to the Circuit Judges or any of them, that a Debt proved under the Commission is not justly due and ought to be expunged, such representation shall be made by Petition, containing a full and precise statement of the grounds upon which the investigation is required. Such Assignee or Creditors shall, at the same time, fyle an undertaking signed by him or them, in the Form No. 10, hereinafter prescribed, to pay such Costs as the Circuit Judge may adjudge to the Party, whose Debt is sought to be expunged; Whereupon the Circuit Judge shall issue a Summons in the Form No. 11, hereinafter prescribed to the said Party, returnable on a day not sooner than the fourth day from the date of such Summons, which, together with the

Petition, shall be served on the said Party, four days before the expiration of the time mentioned for his appearance. The said Petition and Summons, when served, shall be delivered, with the Return, to the Clerk, and fyled in his Office at or before the time at which the Summons is made returnable, and such other and further proceedings shall be had thereon by the said Judge, as to justice and equity may appertain.

OF THE SALE OF REAL ESTATE.

XXVI.

Every Advertisement, by the Assignee of the Sale of the real Estate of a Bankrupt, shall contain a notice requiring all Claims to, upon or respecting such real Estate, to be fyled with the Clerk of the Court of Bankruptcy in his Office, and every such Claim, when so fyled, shall be held and considered to have been sufficiently made known to the Circuit Judges.

XXVII.

Every such Advertisement shall also contain the notice of a Meeting of the Creditors of the Bankrupt, as well as of all other Persons having

an interest in the said real Estate, to be held before one of the Circuit Judges on the fourteenth day previous to the day appointed in the Advertisement for such Sale, or on the next ensuing juridical day, when the fourteenth day may be a Sunday or Holiday, for the purpose of taking Communication of and examining all Claims that may be filed against the said Estate, and all Claims that shall have been filed against the said Estate in the nature of Oppositions *à fin de charge, à fin d'annuller, or à fin de distraire*, shall be then read over by the Clerk of the Court, at the said Meeting, and the Judge presiding thereat, shall appoint the tenth day following, being a juridical day, for the purpose of receiving the necessary proof, hearing the Parties and adjudging upon the said Claims.

XXVIII.

All Claims in the nature of those last mentioned in the preceding rule shall contain an election of domicile on the part of the Claimant or Opposant, at some house within the limits of the City of Quebec, under the Signature of the Person by whom such Claim or Opposition shall be made, and all Notices, Rules, Orders, Pleadings or other Proceedings, which, pending such Claim or Opposition, shall relate thereto, and be served at the domicile thereby elected, shall be held and taken to be well and sufficiently served upon the Person by whom

such domicile shall be so elected, and every such Claim or Opposition fyled without containing such election of domicile, shall not be held or considered to have been duly fyled and shall be expunged from the record by the Circuit Judge, and the Sale of the real Estate advertised shall proceed as if no such Claim had been fyled.

XXIX.

In every Claim or Opposition of the nature aforesaid, shall be set forth and detailed, the Cause or Causes of such Claim or Opposition, as to Person, Time, Place and Circumstance, in as full and ample a manner as is by law and the practice of the Court of Queen's Bench for the District of Quebec required, in Oppositions fyled with the Sheriff of the said District to, upon or respecting the Sale of real Estate.

XXX.

Where any Claimant may not have been present at the last mentioned Meeting, and not have had Notice of the day fixed for the proof and hearing of his Claim, the Bailiff or Messenger of the Court shall serve upon such Claimant the requisite Notice, (such service to be made at the expense of the Pankrupt Estate, if the Claim be afterwards maintained) which Notice shall be served at least three days previous to the day appointed for the

proof and hearing of such Claim; and every Claimant, having received such Notice, or having been present at the Meeting when such day for the proof and hearing of his Claim was appointed, who shall not be prepared to substantiate, and shall not substantiate, such Claim by legal Evidence, on the day so appointed, shall have his said Claim expunged from the proceedings, with Costs against him the said Claimant, and the Sale of the real Estate advertised shall proceed, as if no such Claim had been received or fyled.

XXXI.

Whenever the Assignee or a Creditor shall be desirous of contesting any such Claim as aforesaid, he shall serve his contestation thereof in writing upon the Claimant, and fyle the same in the Office of the Court of Bankruptcy, on or before the third day next after the day of the last mentioned Meeting of Creditors, which contestation shall contain an Election of domicile within the City of Quebec, and shall be in the Form No. 12, hereinafter prescribed. The contesting Party shall, at the same time, serve upon the Claimant and fyle in the said Office an issuable plea or issuable pleas to the said claim, to which plea or pleas the Claimant shall be held to reply on the second day next after the signification thereof, and any further pleadings shall be signified, and filed by each Party respectively,

within two days from the service of the last reply, special answer, or rejoinder respectively, until a suitable issue or suitable issues be raised and perfected upon the said Claim, provided that such issue or issues be raised and perfected on or before the second day next preceding the day appointed under the provisions of the 27th of these Rules, for the proof and hearing of such Claim.

XXXII.

Whenever the contesting Party shall make default in filing his Contestation or Plea or Pleas within the delay prescribed by the foregoing Rule, or shall, by any neglect on his part, prevent issue or issues from being perfected upon the said Claim, within the time limited by the said Rule for such issue or issues to be perfected, or shall not be ready to proceed to trial and hearing of the said Claim on the day appointed for the proof and hearing thereof, then and in either of such cases, no sufficient cause being shewn to the contrary, his Contestation shall be dismissed with Costs, and the Claimant shall be permitted to adduce his proof and be heard *Exparte* upon the said Claim; and whenever the Claimant shall make default in replying to the Plea or Pleas of the contesting Party, within the delay prescribed by the said Rule, or shall, by a protracted mode of pleading, on his part, prevent the issue or issues from being perfected upon his said Claim within the time limited by the said Rule for such issue

or issues to be perfected, or shall not be ready to proceed to a trial and hearing of his said Claim on the day appointed for the proof and hearing thereof, then and in either of such cases, no sufficient Cause being shewn to the contrary, the said Claim shall be expunged from the Proceedings, with Costs, and the Sale of the real Estate respecting which the said Claim had been fyled, shall be proceeded with, as if no such Claim had ever been received or fyled.

OF THE ASSIGNEES' ACCOUNTS

AND

O F D I V I D E N D S .

XXXIII.

The Assignees shall be bound at any time upon an Order from the Court of Bankruptcy, at the instance of any Creditor, to shew cause why a dividend of the Monies in the hands of the Assignee should not be declared.

XXXIV.

The Assignees shall produce and exhibit their Accounts in the Form of a Debtor and Creditor

Account and shall designate the sources whence the various Sums to the Credit of the Estate have been derived, and distinguish between the moveable and immoveable Estate of the Bankrupt, they shall also exhibit the Vouchers in support of the same, and also the number of the Canada Gazette containing the Notice of the Sale of the realty (where such Sale shall have occurred) designating by numeral reference in the said Accounts, the proceeds of the lots described under corresponding Numbers in the Advertisement, and the Meeting at which the Assignees shall have so produced their Accounts shall, in the case of declaring a dividend, be adjourned by the Judge, to some convenient day, not sooner than eight days from the day of such adjournment.

XXXV.

Preparatory to every Dividend to be made of the Estate and Assets of the Bankrupt, it shall be the duty of the Clerk of the Court of Bankruptcy to take an Account of all such Estate and Assets and of all Debts and other Claims proved by Creditors under the Bankruptcy, of all rights of priority or preference to which Her Majesty or any other persons may be entitled, with respect to such Debts, and of all other matters and things which are proper for the consideration of the Court in ordering and directing a Dividend. The Clerk shall make his report in the premises, not later than five days after the day of the adjournment

of the Meeting mentioned in the preceding Rule ; and as soon as such report shall be made, he shall deposit it in his Office, where it shall remain, until the day to which the Meeting mentioned in the preceding Rule shall stand adjourned, during which interval all persons having an interest in the Bankrupt's Estate shall, of course, be permitted to examine and take Communication of the said report. So soon as the said report shall be deposited in the Office, the Clerk shall affix a Notice in some conspicuous part of the Hall where the Sittings of the Court of Bankruptcy are held, and also in his Office, of the said report being so deposited and of the time (which shall be the day and hour to which the Meeting mentioned in the preceding Rule shall have been adjourned) when the said report shall be confirmed and an Order for a dividend made by the Judge conformably thereto, unless good and sufficient cause to the contrary be shewn at the time so assigned ; so that all Creditors, who have proved their Debts, the Assignees and all Persons having an interest in the Estate may appear at the time assigned, as aforesaid, and show cause why the said report should not be accepted and a dividend made conformably thereto, all objections and exceptions to the said report being filed in writing, and thereupon such proceedings shall be had by the Court sitting in Bankruptcy as to justice and equity shall appertain.

XXXVI.

The following Fees and Costs shall be allowed to the Parties and to the Officers of the Court in Bankruptcy, for the respective services mentioned in the following Tariff, in addition to the Fees and Costs especially provided for and allowed in and by the said Act 7 Victoria, Cap. 10.

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T A R I F F

OF

F E E S A N D C O S T S .

*To the Attorney or Solicitor for the petitioning
Creditor.*

	£	s.	d.
For attesting the signature of a Party to a declaration of his insolvency, five Shillings, current money of Canada.....	0	5	0
For taking Instructions to sue out a Commission of Bankruptcy, fifteen Shillings said current money.....	0	15	0
For draughting any Affidavit not exceeding two folios, and fair copying the same, five Shillings said current money.....	0	5	0
For every additional folio, six pence, said current money.....	0	0	6
For Attendance to get any such Affidavit sworn, three Shillings and four pence, said current money.....	0	3	4
For draughting and fair copying any Petition for a Commission of Bankruptcy, twelve Shillings and six pence, said current money.....	0	12	6
For draughting and fair copying a Præcipe, three Shillings and four pence, said current money.....	0	3	4

	£	s.	d.
For suing out Commission of Bankruptcy, attendance at the Office for the same, and attendance on the Sheriff with Instructions for the Execution thereof, ten Shillings, said current money.....	0	10	0
Fee on return of Commission, Attendance at choice of Assignees and proving petitioning Creditor's Debts, ten Shillings, said current money.....	0	10	0
For draughting and fair copying any list of Exhibits and attendance to fyle the same, three Shillings and four pence, said current money.....	0	3	4
For draughting and fair copying any necessary motion, five Shillings, said current money.....	0	5	0
For Copy and Translation of any Rule or Advertisement, other than herein after provided for, three Shillings and four pence, each Copy or Translation, said current money.....	0	3	4
For attendances on the Printer to procure Insertion, each three Shillings and four pence said current money.....	0	3	4
For attendance at the second general Meeting, ten Shillings, said current money..	0	10	0
~~~~~			
<i>To the Attorney or Solicitor for the Assignee.</i>			
-----			
For taking Instructions including the necessary attendance, ten Shillings, said current money.....	0	10	0

£	s.	d.
0	10	0
0	10	0
0	3	4
0	5	0
0	3	4
0	3	4
0	10	0
0	10	0

For perusing the Bankrupt's examination and Oath, five shillings, said current money .....

For examining the Assignee's accounts, preparatory to fying the same, ten shillings, said current money.....

For draughting and fair copying petition to sell real Estate, six shillings and eight pence said current money.....

For draughting Advertisement for the Sale, five shillings, said current money..

For every Copy thereof, three shillings and four pence, said current money.....

Fee on Examining Clerk's report, for a dividend, ten shillings, said current money.....

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To the Attorney or Solicitor, on proceedings on a Summons, under the provisions of the said Act 7 Victoria, Cap. 10. Sec. 3.

—————
 For taking Instructions to sue out a Summons, and the necessary attendance, six shillings and eight pence, said current money.....

For drawing particulars of demand and Notice for payment, five shillings, said current money.....

For each Copy thereof, three shillings and four pence, said current money.....

| £ | s. | d. |
|---|----|----|
| 0 | 5 | 0 |
| 0 | 10 | 0 |
| 0 | 6 | 8 |
| 0 | 5 | 0 |
| 0 | 3 | 4 |
| 0 | 10 | 0 |
| 0 | 6 | 8 |
| 0 | 5 | 0 |
| 0 | 3 | 4 |

| | £ | s. | d. |
|--|---|----|----|
| For Attendance to obtain Summons. and at the return thereof, each, three shillings and four pence, said current money.. | 0 | 3 | 4 |
| Drawing admission of Debt, five shillings, said current money..... | 0 | 5 | 0 |
| Drawing exception to sufficiency of Sureties, three shillings and four pence, said current money..... | 0 | 3 | 4 |
| Attendance at allowance or disallowance of Sureties, three shillings and four pence, said current money..... | 0 | 3 | 4 |
| Copy of Judgment and notice to pay the same five shillings, said current money... | 0 | 5 | 0 |
| Copy thereof to serve, three shillings and four pence, said current money..... | 0 | 3 | 4 |
| ~~~~~ | | | |
| <i>To the Attorney or Solicitor of a Claimant.</i> | | | |
| For draughting and fair copying any ordinary claim or affidavit of debt, ten shillings, said current money..... | 0 | 10 | 0 |
| For attendance to fyle the same, five shillings, said current money..... | 0 | 5 | 0 |
| For attendance to procure allowance thereof, five shillings, said current money.. | 0 | 5 | 0 |
| For claims of ten pounds currency, and under, in amount, one half the foregoing Fees to be allowed. | | | |
| For draughting and fair copying any claim in the nature of an opposition relating to real property, or setting out at length a | | | |

| £ | s. | d. |
|---|----|----|
| 0 | 3 | 4 |
| 0 | 5 | 0 |
| 0 | 3 | 4 |
| 0 | 3 | 4 |
| 0 | 5 | 0 |
| 0 | 3 | 4 |
| 0 | 10 | 0 |
| 0 | 5 | 0 |
| 0 | 5 | 0 |

landlord's privileged claim for rent, one pound, ten shillings, said current money, including attendance to fyle the same. . . .

For drawing petition to expunge a claim, ten shillings, said current money.

For draughting and fair copying any exception, answer or replication, six shillings and eight pence, said current money.

To the Attorney or Solicitor of the Bankrupt.

For attendance and taking instructions, ten shillings, said current money.

For notifying assignee of public sitting, five shillings, said current money.

For attendance thereat, ten shillings, said current money.

Fee on allowance of certificate, ten shillings, said current money.

And to the Solicitors for services in general, not otherwise provided for.

For each necessary attendance, at Chambers or the Clerk's Office, three shillings and four pence, said current money.

For each necessary attendance in Court or at a public meeting, five shillings, said current money.

| £ | s. | d. |
|---|----|----|
| 1 | 10 | 0 |
| 0 | 10 | 0 |
| 0 | 6 | 8 |
| 0 | 10 | 0 |
| 0 | 5 | 0 |
| 0 | 10 | 0 |
| 0 | 10 | 0 |
| 0 | 3 | 4 |
| 0 | 5 | 0 |

| | £ | s. | d. |
|--|---|----|----|
| Draughting and fying an appearance, when requisite, three shillings and four pence, said current money..... | 0 | 3 | 4 |
| For motions, notices, and the like services, the same fees as hereinbefore provided, with respect to the Solicitors for the petitioning creditor and assignee..... | | | |
| For the examination or cross-examination of any witness, three shillings and four pence, said current money..... | 0 | 3 | 4 |
| For attendance at the taxation of a bill of costs, three shillings and four pence, said current money..... | 0 | 3 | 4 |
| And that there be allowed to the Advocates, for any important hearing, where the same shall be necessary, a fee taxable at the discretion of the Circuit Judges from one to three guineas | / | 4 | / |
| ~~~~~ | | | |
| <i>To the Clerk.</i> | | | |
| ————— | | | |
| For a Copy of any declaration of insolvency, one shilling and three pence, said current money..... | 0 | 1 | 3 |
| For every rule, summons, or copy thereof, one shilling, said current money..... | 0 | 1 | 0 |
| For every notice or certificate, one shilling and three pence, said current money.. | 0 | 1 | 3 |
| For every Commission of Bankruptcy, five shillings, said current money..... | 0 | 5 | 0 |

| £ | s. | d. |
|---|----|----|
| 0 | 3 | 4 |
| 0 | 3 | 4 |
| 0 | 3 | 4 |
| 1 | 4 | 4 |
| 0 | 1 | 3 |
| 0 | 1 | 0 |
| 0 | 1 | 3 |
| 0 | 5 | 0 |

For draughting and fair copying a declaration of the choice or appointment of an assignee, ten shillings, said current money.....

For the counter part thereof, five shillings, said current money.....

For drawing a certificate of discharge, fair copy thereof and a copy to fyle, ten shillings, said current money.....

For drawing a certificate of conformity, fair copy thereof, and a copy to fyle, fifteen shillings, said current money.....

For making a list of debts proved, two shillings and six pence, said current money.....

For taking an account of the Estate, settling the claims fyled, draughting the report concerning the same, and draughting and fair copying the Order for a dividend thereof, a fee taxable at the discretion of the Judges, from one pound, five shillings to three pounds, fifteen shillings, according to the complication, difficulty or trouble, in each case.

For recording and collocating any claim upon, to, or respecting real property, and for receiving and fyling the claim or opposition, ten shillings, said current money...

For copy of any Judgment under one hundred pounds, two shillings, said current money.....

For drawing a bill of costs, one shilling and eight pence, said current money.....

| £ | s. | d. |
|---|----|----|
| 0 | 10 | 0 |
| 0 | 5 | 0 |
| 0 | 10 | 0 |
| 0 | 15 | 0 |
| 0 | 2 | 6 |
| 0 | 10 | 0 |
| 0 | 2 | 0 |
| 0 | 1 | 8 |

| | £ | s. | d. |
|---|---|----|----|
| For any Warrant of distress or Commitment, six shillings and eight pence, said current money..... | 0 | 6 | 8 |
| For keeping the Register of proceedings in each case, one pound, ten shillings, said current money..... | 1 | 10 | 0 |
| Fee on making up and transmitting any record to the Court of Review, one pound, said current money..... | 1 | 0 | 0 |
| For the examination of every witness or party on contestation, three shillings and four pence, said current money..... | 0 | 3 | 4 |
| For every search, one shilling, said current money..... | 0 | 1 | 0 |
| For copy of any paper, per hundred words, six pence, said current money.... | 0 | 0 | 6 |
| For drawing the Bankrupt's affidavit, five shillings, said current money..... | 0 | 5 | 0 |
| ~~~~~ | | | |
| <i>To the Sheriff.</i> | | | |
| ~~~~~ | | | |
| For all his services in relation to the execution of any Commission of bankruptcy, exclusive of such disbursements as shall be necessarily incurred by him, two pounds, ten shillings, said current money.. | 2 | 10 | 0 |
| ~~~~~ | | | |
| <i>To a Bailiff or Messenger.</i> | | | |
| ~~~~~ | | | |
| For the service of any rule, notice or summons, two shillings said current money. | 0 | 2 | 0 |

For travelling each mile to the place of service over one mile, one shilling, said current money.....

| £ | s. | d. |
|---|----|----|
| 0 | 1 | 0 |

For any arrest of the person, ten shillings, said current money.....

| | | |
|---|----|---|
| 0 | 10 | 0 |
|---|----|---|

For attendance in Court, in each case, two shillings, and six pence, said current money

| | | |
|---|---|---|
| 0 | 2 | 6 |
|---|---|---|

Costs to a Trader summoned, as provided by the said Act 7 Vict. Ch. 10, Sec. 11.

The trader's personal travelling expenses (verified by affidavit) and allowance for loss of time, as to a witness, in the Court of Queen's Bench.

And to his Solicitor, his fees as for corresponding services, as provided for in the foregoing tariff.

s. d.

6 8

10 0

0 0

3 4

1 0

0 6

5 0

10 0

2 0

**FORMS TO BE OBSERVED IN MATTERS
IN BANKRUPTCY.**

FORMS.

No. 1.

Appearance of Attorney or Solicitor.

Province of Canada, }
District of Quebec : } In the Court of Bankruptcy.

In the matter of

A. B.

Bankrupt.

I do hereby appear for (the petitioning Creditor, Assignee, or Bankrupt, as the case may be.)
Dated at Quebec, the \_\_\_\_\_ day of

184 .

C. D.

Sol. for

No. 2.

Title of a Cause.

Province of Canada, }
District of Quebec. } In the Court of Bankruptcy.

In the matter of

A. B.

Bankrupt.

Affidavit of Debt.

Province of Canada, }
District of Quebec : } In the Court of Bankruptcy.

The day of 184 .

In the matter of

A. B.

Bankrupt.

E. F. of, &c, being duly sworn—and examined upon his oath, saith that A. B., the person against whose Estate and effects the Commission of Bankruptcy hath in this case issued, was at and before the date of the said Commission, and still is justly and truly indebted unto this examinant (or unto C. D., as the case may be) in the sum of

(here state the cause and consideration of the debt, or where a full account is annexed, add :) according to the statement in the Schedule hereunto annexed marked which is a just and true account, for which said sum of

 said current money, or any part thereof this examinant hath not, nor hath any person to the use of to the knowledge or belief of this examinant, received any satisfaction or security whatsoever (if the contrary be the case, add :) except, the security stated in the Schedule hereunto annexed marked , and that the said examinant (or C. D.) hath no suit pending against the said Bankrupt for the Debt aforesaid.

E. F.

Sworn before me, at the City }
of Quebec, the }
day of 184 . }

Bankrupt's Schedule P.

| | £ | s. | d. |
|--|---|----|----|
| | | | |

~~~~~  
Nos. 7 & 8.

*Schedules of Losses and Expenses.*

Province of Canada, }  
District of Quebec. } In the Court of Bankruptcy.

In the matter of

A. B.

Bankrupt.

Schedule L.		Schedule E.	
Losses.	£ s. d.	Expenses.	£ s. d.

*Form of Bankrupt's Balance Sheet.*

Province of Canada, }  
 District of Quebec. } In the Court of Bankruptcy.

In the matter of  
 A. B.

Bankrupt.

*Balance sheet.*

Bankrupt, Dr.	£ s. d.	Cr.	£ s. d.
Debts (as per list marked D.)		Debts due (see list C.)	
Capital.		Property (exclusive of debts) taken or to be taken by assignee (list P.)	
Profits.		Losses (list L.)	
		Expenses (list E.)	

## No. 10.

*Form of undertaking to pay costs.*

Province of Canada, }  
 District of Quebec. } In the Court of Bankruptcy.

In the matter of  
 A. B.

Bankrupt.

Whereas it appears to us, the Assignees (or assignee) chosen, (or, "to us creditors having respectively proved debts to the amount of twenty pounds") under the Commission issued against the said A. B. that C. D. of &c. hath proved a debt under the said Commission which is not justly due to him, we, therefore, having represented the same to

the Circuit Judge in the said District, acting in the prosecution of the said Commission, do hereby undertake and agree to pay such costs and charges, as the said Circuit Judge shall direct in respect of the investigation to be had relative to the said debt.

(Signed)

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No. 11.

Form of Summons.

Province of Canada, }
District of Quebec, } In the Court of Bankruptcy.

In the matter of

A. B.

To C. D. of &c.

Bankrupt.

These are to will and require you, (and every one of you) to whom this Warrant is directed, personally to be and appear before me, in this Court, on the \_\_\_\_\_ day of \_\_\_\_\_ at the Court House, in the City of Quebec, at the hour of \_\_\_\_\_

then and there to be examined before me touching a Debt, of \_\_\_\_\_ by you proved under the Commission issued against the said A. B. and whether the same is justly due in whole or in part, or not, and why the same should not be expunged. And hereof fail not at your peril.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

No. 12.

Form of Contestation of a Claim respecting real Estate.

Province of Canada, }
District of Quebec. } In the Court of Bankruptcy.

In the matter of

A. B.

Bankrupt.

Sir,

Take notice that \_\_\_\_\_ doth contest the Claim of \_\_\_\_\_ doth hereby elect his domicile for the purposes of the said contestation at \_\_\_\_\_ Street, in the said City of Quebec.

To

(Signed)

XXXVII.

It is Ordered that the foregoing Rules and Orders, Tariff of Fees and Forms of Proceedings, be of force and observed in matters in Bankruptcy, until the same shall be changed, altered or modified by other Rules and Orders, and Tariff of Fees and Costs, at any time hereafter, from time to time, submitted by the Circuit Judges in and for the said District of Quebec, to the Judges of the said Court of Queen's Bench, for their sanction and approval, and approved by them.

W. POWER,

Circuit Judge.

J. C. BRUNEAU,

Juge de Circuit.



QUEEN'S BENCH.

QUEBEC,—

13th October, 1846.

William Power, Esquire, one of the Circuit Judges acting as Commissioners of Bankrupts for the District of Quebec, appeared in Court, and submitted certain general rules and orders for regulating the forms of proceedings and the practice to be observed in matters of Bankruptcy; and also a Tariff of Fees and Costs to be allowed and taxable on all matters coming before the said Commissioners, prepared by the Commissioners of Bankrupts in and for the said District of Quebec, in pursuance of the law in such case made and provided, and submitted the same to the Judges of the Court now here, for their approval and sanction.

*Since
Article*

QUEEN'S BENCH.

QUEBEC,—

23d October, 1846.

The Court of Our Lady the Queen now here, having seen and examined certain Rules and Orders, for regulating the forms of proceedings, and the practice to be observed in matters of Bankruptcy, which have been prepared and submitted to the said Court now here, by the Circuit Judges, acting as Commissioners of Bankrupts, for the District of Quebec, in pursuance of the law in such case made and provided,—It is by the said Court now here, considered in execution of the power to the said Court in this behalf given, that the said Rules and Orders be, and the same are hereby approved. And the said Court now here having also seen and examined the Tariff of Fees and Costs to be allowed and taxable, in all matters coming before the said Commissioners of Bankrupts, which hath also been prepared and submitted by the said Commissioners, to the said Court now here, in pursuance of the said Law in this behalf made and provided,—It is further by the said Court now here, considered that the said Tariff of Fees and Costs be, and the same is hereby approved, with the exception of the clause or article in the said Tariff by which a discretionary power is reserved to the said Commissioners to allow from one to three guineas on a hearing before them, which said clause or article is hereby modified, by restricting the allowance to be made in such cases, to the fixed fee or sum of one guinea.



BURROUGHS & FIZET,

P. B. R.

Additional Rules have been sanctioned since the above - they relate to proceedings on arbitration - Lund. Oct. 1847 -

