

# ORDERS IN BANKRUPTCY,

UNDER

STATUTE 7<sup>TH</sup> VICTORIA, CHAP. 10, SEC. 68;

AND ALSO

## ORDERS

UNDER

STATUTE 8<sup>TH</sup> VICTORIA, CHAP. 48,

FOR THE

RELIEF OF INSOLVENT DEBTORS.



TORONTO:

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1846.

## ORDERS IN BANKRUPTCY.

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WHEREAS it is provided by the statute 7th Victoria, chap. 10, sec. 68, that the Court of Chancery in and for that part of this Province formerly Upper Canada, shall and may, from time to time and at all times within its jurisdiction, make general rules and orders for regulating the forms of proceedings and the practice to be observed, when not otherwise provided for by the said Act, in all cases of Bankruptcy ;

I, the Honourable ROBERT SYMPSON JAMESON, Vice-Chancellor of Upper Canada, exercising the judicial powers of the said Court, do order as follows that is to say :—

I. That, in all cases, the particulars of the demand and notice under the aforesaid Act specified in Schedule A. (No. 2), shall be signed by the creditor specifying his Christian and surname and his place of residence or business, or in cases where the debt demanded is claimed to be due to a partnership firm, be signed by or in the name of one of the partner or partners, adding such after signature the style or firm of partnership and place of business as follows (that is to say) : John Thompson for self and partners, trading under the style or firm of ——— at ——— And in all cases where an affidavit is made by the duly accredited and appointed agent or attorney of

any creditor or creditors for the purpose of obtaining a summons calling upon a trader to appear according to the provisions of the aforesaid Act, the said affidavit shall state that the person making the same is acquainted with the handwriting of the person or persons, if more than one, purporting to sign the said particulars of demand and notice, and that he verily believes the signature to the said particulars and notice is of the proper handwriting of such person or persons.

II. Such particulars and notice shall be directed to the party or parties intended to be summoned by the Christian and surname of each of them ; or when the Christian name is not known, then by the initial letter or letters, or some contraction of the Christian name, and by the surname, and also, by the place of residence in the same form as mentioned in the last Rule, and shall also contain in the body thereof a statement of the name or names of all the persons from whom the debt is claimed to be due, whether the whole of them shall be summoned or not ; or, in case of partners, the style or firm of partnership and place of business in the same form as mentioned in the same Rule.

III. The account in such particulars of demand shall be expressed with reasonable and convenient certainty as to dates and all other matters, and when credit is given in such account to the debtor the notice shall require payment of the difference or balance only which appears to be due on such account.

IV. If the affidavit for summoning a debtor under the said Act shall not be filed, in case the Plaintiff (*or creditor*) reside in this Province, within one calendar month, or in case the Plaintiff (*or creditor*) reside elsewhere than in this Province, within three calendar months after service of the particulars of demand and notice, the Plaintiff (*or creditor*) shall not afterwards be at liberty to proceed without serving new particulars of demand and notice.

V. Every affidavit made under the said Act shall be intituled,

“ In the Court of Bankruptcy,  
For the District of ——— ”

as the case may be.

VI. Every affidavit for summoning a Debtor under the said Act shall state the nature of the debt with the same degree of certainty and precision as is required in an affidavit to hold to bail in the Court of Queen's Bench.

VII. Every summons of a debtor under the said Act shall describe the parties in the same manner as they were described in the particulars of demand and notice.

VIII. Every such summons shall be served four days, at least, before the time for such appearance therein mentioned.

IX. Every such summons, except when the service thereof shall be made personally, shall be served

between the hours of nine o'clock in the morning and nine o'clock in the evening.

X. If the Plaintiff (*creditor*) shall make default in appearance at the time appointed in that behalf, the Defendant (*debtor*) shall be entitled to his discharge from the summons, and a memorandum of such discharge shall be endorsed on the summons.

XI. If the Defendant shall appear at the time appointed in that behalf, and shall refuse to admit such demand, but shall, as to the whole of the said demand, or part of it, make a deposition on oath in the form required by the said Act, that he believes he has a good defence to the same, the Defendant shall be entitled to his discharge from the summons, and a memorandum of such discharge shall be endorsed on the summons.

XII. Any want of compliance on the part of the Plaintiff with these Rules and Orders, in the particulars of demand and notice, and in the affidavit for summoning the Defendant, and in the summons and service thereof, or in any or either of such matters, may be waived by the Defendant, or if made known to, and proved to the satisfaction of the Judge or Commissioner, at the time required by the summons for the appearance of the Defendant, shall be deemed and taken to be a good objection to requiring the Defendant to state whether or not he admits the demand sworn to by the Plaintiff, or any part thereof; and in such case if such want of compliance be not waived, the Defendant shall be entitled to his dis-

charge from the summons, and a memorandum of such discharge shall be endorsed on the summons.

XIII. Every application to enlarge the time for calling on the Defendant to state whether or not he admits the demand, or any part thereof, or for entering into a Bond with sureties, shall be supported by affidavit.

XIV. Before any Defendant shall be allowed to enter into a Bond, with sureties, according to the provisions of the said Act, he shall give to the Plaintiff or his attorney a notice in writing, signed by the Defendant or his attorney, of the Defendant's intention so to proceed.

XV. Such notice of sureties shall be accompanied with a true copy of the affidavit of sufficiency, which affidavit shall be in the following form, viz :—

“ In the Court of Bankruptcy,  
                     For the District of ———  
 Between ——— Plaintiff,  
                     and  
                     ——— Defendant.

A. B., of ——— in the &c. ——— and C. D.,  
 of &c. ———

(adding their places of residence respectively according to the particulars set forth in Rule No. 1,) severally make oath and say ; and, first, the said A. B., for himself, saith that he is one of the proposed sureties for the above named Defendant, and that he, the said A. B., resides at ——— aforesaid, and that

he is worth property in this Province to the amount of £—— over and above what will pay and satisfy all his just debts and incumbrances; *that he is not surety in any manner for the above named Defendant, or any other person, except on the present occasion,* (or if he is surety on any other occasion, substitute for the words underlined the following, *and every other sum for which he is now surety.*) And the said C. D., for himself, saith that, (here pursue the same form as with respect to the former surety.)

XVI. The amount of property so sworn to shall be the sum demanded, fractional parts of a pound excepted, and one-half more.

XVII. The Plaintiff shall be at liberty, within two days after service of notice of sureties, to except to the proposed sureties, or either of them, by delivering a written notice to the Defendant or his attorney to the effect generally that he excepts to such surety (or sureties, as the case may be).

XVIII. When any such notice of exception has been served, the Defendant shall then be at liberty to apply to the Judge or Commissioner for an appointment to be signed by him of a time and place when and where the said Judge or Commissioner will attend for the purpose of hearing the parties, and at such time and place the Defendant or his attorney shall attend with the bond, and with an affidavit by the subscribing witness of the due execution of such bond, and also the affidavit of sufficiency of the sureties;

and the Plaintiff or his attorney shall be at liberty to oppose the sureties, or either of them, upon affidavit or on the ground of any defect appearing on the face of the proceedings.

XIX. The bond shall be taken in a penal sum, to be the amount of double the sum demanded, and shall be executed by the Defendant and both sureties to the Plaintiff, and the form of the condition shall be as follows, that is to say :—

Whereas the said ——— (Plaintiff,) and one C. D., by their affidavit sworn and filed with the Judge of the District Court of the District of ——— (or with ——— Esquire, Commissioner of Bankruptcy in the District of ——— as the case may be,) on the ——— day of ——— 184— according to an Act passed in the seventh year of the reign of Queen Victoria, intituled ‘An Act to repeal an Ordinance of Lower Canada, intituled ‘An Ordinance concerning Bankrupts and the administration and distribution of their Estate and Effects,’ and to make provision for the same object throughout the Province of Canada,’ severally deposed as follows, that is to say : the deponent, (*Plaintiff*), for himself, said, (*here set forth the affidavit for summons*). And whereas the said Judge (or Commissioner) did, upon the filing of such affidavit, issue a summons according to the said Act, which was duly served on the said (*Defendant*), on the ——— day of ——— in the year 184— And whereas the said (*Defendant*), upon his appearance to the said summons (*or at an enlargement or adjournment of the said summons, as the case may be*), refused to admit such demand, and made no deposition, according to the said Act, that he believed he had a good defence to such demand (*or signed an admission for part only of such demand, viz., the sum of £—— and did not make a deposition, according to the said Act, that he believed he had a good defence to the residue of such demand*) (*or in case the said Defendant shall not appear at the return of the said summons, then*). And whereas the said Defendant did not appear to the said summons at the time appointed, having no lawful impediment, made known to, and allowed at the said time by, the said Judge (or Commissioner). And whereas the said (*Defendant*), has requested the said (*sureties*), as sureties for him, to join in the present obligation conditioned as hereinafter appearing, to which they have consented ; and the said (*Defendant*), has given notice thereof to the said (*Plaintiff*). And whereas the said Plaintiff hath



brought an action at law for recovery of the said demand (*or of the residue of the said demand, as the case may be*) ; now the condition of the above written obligation is such that if the said (*Defendant,*) his executors or administrators shall pay such sum or sums to the said (*Plaintiff,*) his executors, administrators or assigns, as shall be recovered in the said action or any other action which may have been brought, or shall hereafter be brought, for the recovery of the said demand (*or the residue of the said demand, as the case may be*), together with such costs as shall be given in the same, then the present obligation shall be void, otherwise shall be and remain in full force and virtue."

*Note.—If no action be brought, omit the part underlined.*

XX. Where no notice of exception is served, the Defendant or his attorney may attend before the Judge or Commissioner on the fourth day after service of notice of sureties, with the bond, affidavit of execution aforesaid, and affidavit of sufficiency of the sureties, and also with an affidavit of the service of notice of sureties, and that no notice of exception has been served, and file the same respectively.

XXI. In every case when the Defendant shall make the deposition provided for by the said Act, and either the Plaintiff or Defendant shall desire to have the matter determined by an arbitration, the party desiring such arbitration shall give notice to the other party of such his intention, and upon production of such notice, with an affidavit of the service thereof upon the party or his attorney, the Judge or Commissioner shall, by writing under his hand, appoint a time and place when and where he will hear the parties upon a nomination of arbitrators between the said parties to arbitrate and award upon the said matters, and the party obtaining such appointment

shall serve a copy thereof upon the opposite party at least twenty-four hours before the time appointed.

XXII. At the time appointed for the nomination of arbitrators, the parties shall attend by themselves or by their attorneys before the Judge or Commissioner, and the party applying for such arbitration shall first proceed to nominate an arbitrator, and then the other party shall name an arbitrator, and the said Judge or Commissioner shall name a third arbitrator; and if either of the said parties shall not attend at the time appointed for that purpose, or shall neglect or refuse to name an arbitrator, then the said Judge or Commissioner, upon proof of the due service of a copy of his appointment, or upon production of the copy served upon the party, shall name an arbitrator on behalf of such party not attending, or neglecting or refusing to name an arbitrator as aforesaid.

XXIII. After such nomination as provided for by the last Rule shall have taken place, the Judge or Commissioner shall furnish to the party making the application, or in case he should be the person not attending, or neglecting or refusing to name an arbitrator, then to the opposite party a memorandum or minute of such nomination, and at the foot thereof the said arbitrators shall sign a memorandum of acceptance, which such party shall procure in the form following:—

“We, whose names are above mentioned as being nominated arbitrators between the above parties do hereby accept of such nomination.”

And such memorandum or minute, together with such acceptance, shall be filed with the Judge or Commis-

sioner, and thereupon the Judge or Commissioner shall give a certificate of such nomination and acceptance in the following form :—

“ In the Court of Bankruptcy,  
For the District of ———

I, the undersigned, being Judge of the District Court of the District of ——— (or Commissioner of Bankrupts in the District of ——— as the case may be,) do hereby certify that A. C., of, &c., and C. D., of &c., and E. F., of, &c., have been duly chosen and appointed arbitrators under and in pursuance of the provisions of the statute now in force relating to Bankrupts, to arbitrate and award between ——— and ——— in respect of the matters contained in the particulars of demand annexed to the affidavit, and notice filed with me, according to the said statute ; and I hereby declare that the said arbitrators have accepted of such choice and appointment.

Given under my hand at ——— this  
—— day of ——— in the year of our  
Lord, 184—

XXIV. In case any of the said arbitrators so nominated at the time appointed for that purpose shall decline to accept, or refuse to act, and upon the same being made known to the said Judge or Commissioner, he shall then appoint another time and place in manner as provided for in Rule 22, to proceed to nominate another arbitrator or arbitrators in place of such person or persons so declining to accept, or refusing to act, and the like proceedings thereupon, and to perfect such choice and appointment, shall take place and be had as provided under the preceding Rules. numbers 22 and 23.

XXV. The award to be made by the said arbitrators shall be made and filed with the Judge or Commissioner, together with an affidavit of the due execution thereof, within such time from the date of the

certificate given by the said Judge or Commissioner of the appointment of arbitrators as aforesaid as he shall endorse upon the said certificate, or within such further time as the said Judge or Commissioner shall appoint.

XXVI. That every application to a Judge or Commissioner for a Commission of Bankruptcy shall be by petition addressed to the said Judge or Commissioner, and such petition shall set forth the name or names of the creditor or creditors applying for such Commission, together with the amount of debt or debts due to them respectively, and whether the same be due or not; and also state the act or acts of Bankruptcy committed by the person or persons against whom such commission is prayed.

XXVII. That on the day appointed for the first meeting of creditors of the Bankrupt, the Sheriff to whom a Commission in Bankruptcy has been delivered shall return the same to the Judge or Commissioner who issued it, together with the copy of the inventory made by him, to be delivered to the assignees, for which return the Sheriff shall be allowed the sum of five shillings.

XXVIII. That all Orders for sales of real estate belonging to a Bankrupt, and all other Orders in Bankruptcy, made either upon petition or motion, shall be drawn up and signed by the Judge or Commissioner in duplicate, one copy of which shall be filed with the proceedings, for which duty the said Judge or Commissioner shall be entitled to take and

receive the sum of nine pence for each folio of one hundred words.

XXIX. That if any person shall make a claim to or upon any real estate of the Bankrupt ordered to be sold, he shall present a petition to the Judge or Commissioner setting forth the nature of such claim and the particulars thereof, whereupon the said Judge or Commissioner shall appoint a time and place when and where he will hear the same, and shall direct upon whom and what parties the said petition shall be served, and upon a copy or copies of such petition being served as directed, the Judge or Commissioner shall proceed to hear and determine the same.

XXX. That all petitions presented to the Judge or Commissioner, and the fiat directing the attendance thereon, shall, when served, be returned to the Judge or Commissioner on or before the hearing thereof, and the same shall be filed with the other proceedings of record, and it shall not be necessary to recite such petition at length, in any order to be pronounced thereon.

XXXI. That every petition, with a copy of the fiat thereon, directing the attendance of any party or parties, shall be served two days before the expiration of the time at which the attendance thereon is ordered, except in case of petition presented to stay certificate ; the same to be without prejudice to any application to the Judge or Commissioner in respect of either the attendance of, or service on, parties, or the hearing of the petition.

XXXII. That all process not otherwise provided for by the said Act, shall be under the hand and seal of the Judge or Commissioner.

XXXIII. That the practice in all matters of Bankruptcy before the said Judges or Commissioners under the said Act, when not otherwise provided for, either by the said Act or by these present Rules, shall, until otherwise ordered, be conformed as nearly as may be to the present practice and forms of proceedings in matters before the Court of Bankruptcy in England.

XXXIV. For the purpose of providing for the due filing of record in the Court of Review of the Commission and other proceedings and papers in Bankruptcy—

It is ordered, that it shall be the duty of the Judge or Commissioner, before whom proceedings in any matter of Bankruptcy may have been had, to cause to be transmitted to the Registrar of the said Court, for the purpose of being duly filed of record in that Court not later than one year from the issuing of the Commission, all papers and proceedings which may not at such time be necessary for the future prosecution of such Bankruptcy, and so soon as the matter of the said Bankruptcy shall have been finally disposed of, it shall be the duty of such Judge or Commissioner to cause all proceedings not previously transmitted to the Court of Review to be thereupon so transmitted, to be also filed of record as aforesaid, the expense of so transmitting such proceedings, and

of filing the same in the Court of Review, to be at the charge of the Bankrupt's estate.

That in all cases in which more than a year has elapsed since the issuing of the Commission of Bankruptcy, it shall be the duty of the Judge or Commissioner acting in the matter of such Bankruptcy to cause all papers and proceedings not necessary for the future prosecution of such Bankruptcy to be transmitted to the Registrar of the Court of Review as above provided.

XXXV. It is to be understood, under the foregoing Rules, as follows:—

1st.—That in every District where there shall be more than one Judge of the District Court, or where, in addition to the Judge of the District Court, there shall be a Commissioner of Bankrupts appointed under the said Act, all proceedings prior to the issuing of a Commission of Bankruptcy shall take place before the same Judge or Commissioner before whom the proceeding was first commenced, unless such Judge or Commissioner shall otherwise direct.

2nd.—That whenever any Judge or Commissioner shall direct subsequent proceedings to be had or taken before any other Judge or Commissioner he shall transmit to such Judge or Commissioner the proceedings already had before him.

3rd.—That the Commission of Bankruptcy may be issued by any Judge or Commissioner legally authorised to issue the same.

4th.—That the Judge or Commissioner who issued the Commission may at any time transfer the proceedings to another Judge or Commissioner, either for the purpose of holding meetings of creditors or to perform, fulfil, and complete any matter or proceedings, and which is required to be done under the said Act.

XXXVI. That these Rules shall come into operation on, from and after the first day of January next.

(Signed) ROBERT S. JAMESON,

*1st December, 1845.*





# ORDERS

FOR THE

## INSOLVENT COURTS.

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GENERAL RULES and ORDERS made under the statute 8th Victoria, chap. 48, intituled, “ An Act for the relief of Insolvent Debtors in Upper Canada, and for other purposes therein mentioned,” to be in force in the several districts of this province which are mentioned after and attached to the names of the several Judges of the District Court who have respectively signed these orders, and the same are to be binding upon all persons whomsoever, in the said Courts, created by and under the said Act, upon the same being approved by the Court of Review in matters of Bankruptcy.

It is ordered—

I. That each sheet of every petition for protection from process, and each sheet of every schedule annexed thereto, shall be signed by the Petitioner in the presence of and shall be attested by his Attorney.

II. That every Petitioner shall, immediately after the Official Assignee shall have been nominated in pursuance of the said Act, deliver over to the Official Assignee appointed to his estate, all monies, bills, notes, securities and other personal estate of such petitioner, in his possession, power or control, toge-

ther with all books of account, deeds, or other papers and writings relating to his estate and effects.

III. That the protection from process to be given to any petitioner upon filing his petition, shall be called the *interim order for protection*, and shall be in the form set forth in the schedule marked A. No. 1, annexed to these orders.

IV. That the appointment of an Official Assignee, nominated by the Judge (*or Commissioner, as the case may be*) acting in the matter of the said petition, shall be made and executed by him in duplicate, in the form set forth in the schedule marked B. No. 1, annexed to these orders, one of which is to be filed with the proceedings and the other to be delivered to the Official Assignee.

V. That the time for hearing the matter of such petition shall be appointed by the Judge (*or Commissioner, as the case may be*) acting in the same; such time not to be less than one nor more than two months from the date of the advertisement, in the Canada Gazette, of the intention to petition, required by the aforesaid statute; and such Judge (*or Commissioner, as the case may be*) shall cause it to be advertised in the form set forth in the schedule marked A. No. 2, annexed to these orders, in the same newspapers in which the original notice of intention to petition was published, ten clear days at least before the day appointed for such sitting; and such Judge (*or Commissioner, as the case may be*) shall order and direct that the service of a copy of such

advertisement, upon the Creditors of the said Insolvent, may be either by a personal service thereof, or by leaving a copy thereof at the place of residence of the said creditors respectively, or by transmission thereof by the post to the address of the said creditors respectively, or in such other manner and at such times, previous to the time of such sitting, as the said Judge (*or Commissioner, as the case may be*) may think reasonable or proper under the circumstances, in each particular case.

VI. That the renewal of the *interim order* for protection, to be made by the said Judge (*or Commissioner, as the case may be*) on the first examination of the Petitioner, or at any other time, shall be in the form set forth in the schedule marked A. No. 3, annexed to these Orders, and shall be indorsed upon the said Order.

VII. That the Assignee or Assignees chosen by the Creditors of the Insolvent shall sign an acceptance of the choice, to be filed with the proceedings ; and thereupon the said Judge (*or Commissioner, as the case may be*), acting in the matter of the said petition, shall make out a certificate in duplicate of such acceptance and appointment, in the form set forth in the schedule marked B. No. 2, annexed to these Orders, one of which is to be filed with the proceedings, and the other to be delivered to the Assignee or Assignees so chosen by the Creditors.

VIII. That the time for making a final Order, unless cause shall be shown to the contrary, in the

matter of such petition, shall be appointed by the Judge (*or* Commissioner) acting in the same ; of which time the Judge (*or* Commissioner) shall cause notice to be given fourteen days at least before the time appointed, which notice shall be by advertisement, in the form set forth in the schedule marked A. No. 4, annexed to these Orders ; and the same shall be published in such newspapers, or served in such other manner, as the said Judge (*or* Commissioner) acting in the same shall direct.

IX. That the final Order shall be executed in duplicate, one copy to be filed with the proceedings and the other to be delivered to the Petitioner.

X. That in all cases where any Petitioner, who is detained in custody, shall have obtained an *interim Order* or a final Order, shall make application for his discharge from such custody, he shall give notice of such intended application to the Creditor or person at whose suit he is so detained, or to his Attorney, at least two days before the day on which the application for the discharge is to be made, and which time shall be appointed by the said Judge (*or* Commissioner, *as the case may be*), on application to him for that purpose.

XI. That proof of all notices given, and of all services made, shall be in the manner following :—

1st.—Proof of all advertisements shall be made by production of the Canada Gazette, or other newspaper in which the same were published.

2nd.—Proof of all services, whether personal, leaving at the residence, or transmission by post, shall be made by affidavit, to the satisfaction of the Judge (*or Commissioner, as the case may be*).

XII. That all affidavits taken or used in the matter of any petition, or before any Judge or Commissioner of Bankrupts, shall be entitled as follows:

“ In the Insolvent Court for the District of ——  
In the matter of the Petition of —— an Insolvent Debtor.”

And every such affidavit shall and may be sworn in the same manner as affidavits are sworn and attested in cases of Bankruptcy.

XIII. That all Bills of Fees and Disbursements of any Attorney, Sheriff, or other officer or person, for business done under the aforesaid Act, shall be taxed by the Judge (*or Commissioner, as the case may be*) with whom the petition shall have been filed.

XIV. That the allowance to be made to the Assignees, for their remuneration, shall be the same as in cases of Bankruptcy.

XV. That until further order, the mode of taking possession of the estate and effects of such Petitioner, the mode of realizing the same and of depositing the produce thereof, together with the mode of keeping and examining the accounts of the official and other Assignees, and all other forms of proceedings under the said Act not therein nor herein specially provided

for, be as nearly as possible assimilated to and in conformity with the like proceedings and forms in Bankruptcy.

XVI. It is to be understood, that in every District where there shall be more than one Judge of the District Court, or where there shall in addition to the Judge of the District Court be a Commissioner of Bankrupts, that all the proceedings to be had or taken upon any petition shall be had before the same Judge or Commissioner with whom the said petition was filed, unless such Judge or Commissioner shall otherwise order and direct; in which latter case the said Judge or Commissioner shall transmit all proceedings already had before him, to the Judge or Commissioner before whom the subsequent proceedings are to be had and taken.

**ROBERT E. BURNS,**

*Judge of the District Court of the Home District.*

**E. C. CAMPBELL,**

*Judge of the District Court of the District of Niagara.*

**JOHN G. MALLOCH,**

*Judge of the District Court of the District of Bathurst.*

**CHR. ARMSTRONG,**

*Judge of the District Court of the District of Dalhousie.*

**B. Y. McKYES,**

*Judge of the District Court of the District of Calborne.*

**JAS. R. GOWAN,**

*Judge of the District Court of the District of Simcoe.*

**WILLIAM SALMON,**

*Judge of the District Court of the District of Talbot.*

S. F. KIRKPATRICK,

*Judge of the District Court of the Midland District.*

GEO. S. JARVIS,

*Judge of the District Court of the Eastern District.*

A. J. FERGUSON,

*Judge of the District Court of the District of Wellington.*

G. M. BOSWELL,

*Judge of the District Court of the District of Newcastle.*

A. CHEWITT,

*Judge of the District Court of the Western District.*

MILES O'REILLY,

*Judge of the District Court of the District of Gore.*

HENRY ALLEN,

*Judge of the District Court of the District of London.*

PETER FREEL,

*Judge of the District Court of the District of Ottawa.*

Approved of 2nd January, 1846.

ROBERT S. JAMESON, *Vice Chancellor.*





# SCHEDULE OF FORMS.

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## A. No. 1.

### *Interim Order for Protection from Process.*

In the Insolvent Court for the District of \_\_\_\_\_  
at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 184—.

In the matter of the petition of \_\_\_\_\_ in the said District of \_\_\_\_\_  
an insolvent debtor.

Be it remembered, that the above named \_\_\_\_\_ having presented a petition to this honourable Court, under the provisions of an Act of Parliament of this Province, passed in the eighth year of the reign of her Majesty, Queen Victoria, entitled, "An Act for the relief of Insolvent Debtors, in Upper Canada, and for other purposes therein mentioned;" and such petition having been this day filed in Court, a protection is hereby given to the said \_\_\_\_\_ from all process whatever, except as hereinafter mentioned, either against his person or his property of every description, which protection shall continue in force, and all process (except process for arresting or holding him to bail, under the authority of a Judge's order for that purpose) be stayed until the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, in the \_\_\_\_\_ being the time appointed for the appearance of the said \_\_\_\_\_ at \_\_\_\_\_ and for the first examination of the said \_\_\_\_\_ according to the form of the said Act.

Signed \_\_\_\_\_

Judge of the District Court (or Commissioner of Bankrupts  
for the District of \_\_\_\_\_ as the case may be).

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## A. No. 2.

### *Advertisement of filing Petition, and day for hearing and first Examination of Petitioning Debtor.*

Whereas a petition of \_\_\_\_\_ of \_\_\_\_\_ in the District of \_\_\_\_\_ having been filed in the Insolvent Court for the District of \_\_\_\_\_ and the interim order for protection from process having been given to the said \_\_\_\_\_ under the provisions of an Act of Parliament of this Province

passed in the eighth year of the reign of her Majesty, Queen Victoria, intituled, "An Act for the relief of Insolvent Debtors in Upper Canada, and for other purposes therein mentioned," the said ——— is hereby required to appear in Court before ——— Esquire, Judge of the District Court of the District of ——— (*or Commissioner of Bankrupts for the District of ——— as the case may be*) acting in the matter of the said petition, on the ——— day of ——— at — o'clock precisely, at ——— for the purpose of being there and then examined touching his debts, estate and effects, and to be further dealt with according to the provisions of the said Act.

All persons indebted to the said ——— or that have any of his effects, are not to pay or deliver the same but to ——— the Official Assignee nominated in that behalf by the Judge (*or Commissioner, as the case may be*) acting in the matter of the said petition.

Dated the ———

A. No. 3.

*Renewal of Insolvent's Protection.*

In the Insolvent Court for the District of ———  
at ——— the ——— day of ——— 184 —.

I hereby renew the within order for the protection of the said ——— until the ——— day of ——— 184 —, at this place.

Signed ———

Judge of the District Court (*or Commissioner,  
as the case may be*).

A. No. 4.

*Advertusement of day fixed for the sitting of the Court for making  
final Order.*

In the matter of the petition of ——— of ———

Notice is hereby given that ———, Esquire, Judge of the District Court for the District of ——— (*or Commissioner of Bankrupts for the District of ——— as the case may be*), acting in the matter of this petition, will proceed to make a final order thereon, at a Court to be holden for that purpose at ——— on ——— the ——— day of ——— at — o'clock, precisely, unless cause be then and there shewn to the contrary.

Dated ———

B. No. 1.

*Appointment of Official Assignee.*

In the Insolvent Court for the District of \_\_\_\_\_  
at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 184 —.

In the matter of the petition of \_\_\_\_\_ an insolvent debtor.

I hereby nominate and appoint \_\_\_\_\_ of \_\_\_\_\_ Official Assignee,  
together with the Assignee or Assignees to be chosen by the creditors of  
the said insolvent.

Signed \_\_\_\_\_

Judge of the District Court (or Commissioner of Bankrupts  
for the District of \_\_\_\_\_ as the case may be.)

B. No. 2.

*Certificate of the acceptance and appointment of the Assignee or Assignees  
chosen by the Creditors.*

In the Insolvent Court for the District of \_\_\_\_\_  
at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 184 —.

In the matter of the petition of \_\_\_\_\_ an insolvent debtor.

I do hereby certify that \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_ were  
this day, by a majority of Creditors, according to law, duly chosen  
Assignees to the estate and effects, real and personal, of the said \_\_\_\_\_  
and I further certify that the said \_\_\_\_\_ and \_\_\_\_\_ have duly accepted  
of such choice, and are therefore duly appointed to act as such Assignees,  
together with the official heretofore appointed.

Signed \_\_\_\_\_

Judge of the District Court (or Commissioner of Bankrupts  
for the District of \_\_\_\_\_ as the case may be.).