



# The Edinburgh Gazette.

Published by Authority.

FRIDAY, AUGUST 7, 1857.

FOREIGN-OFFICE, August 3, 1857.

THE Queen has been pleased to approve of Don Emanuele Gomez de Avellaneda as Consul at Malta for the Duchess Regent of Parma.

WAR-OFFICE, PALL-MALL,  
August 4, 1857.

Rifle Brigade—Brevet-Colonel Robert Walpole, from half-pay Unattached, to be Lieutenant-Colonel. Dated 31st July 1857.

ADMIRALTY, July 29, 1857.  
Corps of Royal Marines.

First Lieutenant Henry Fallowfield Cooper to be First Lieutenant and Quartermaster, vice Harris, promoted.

## INCUMBERED ESTATES (WEST INDIES).

GENERAL RULES, under 17th & 18th Vict., c. 117, dated the 1st day of May 1857.

IN the COURT of the COMMISSIONERS for SALE of INCUMBERED ESTATES in the WEST INDIES.

### GENERAL RULES.

It is this day ordered by the Honourable Edmund Phipps and Sir Frederick Rogers, Bart., being the Commissioners for Sale of Incumbered Estates in the West Indies, pursuant to the Statute in that case made and provided, that the following General Rules and Orders shall take effect and be binding in relation to all proceedings to be hereafter had or taken under and in pursuance of the provisions of an Act passed in the Session holden the 17th and 18th years of the reign of Her Majesty Queen Victoria, c. 117, intituled "An Act to facilitate the Sale and Transfer of Incumbered Estates in the West Indies."

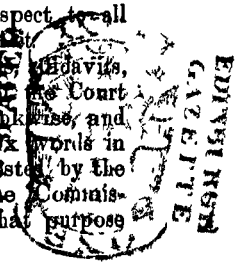
1. That in the construction of any General Rules or Orders made by the Commissioners, the words and phrases to which a particular or extended meaning is assigned by the 3d section of the Act shall, when used in such rules or orders, be under-

stood to bear such particular or extended meaning except where the context or other provisions of the rules require a different construction; and the word "affidavit" shall include an affirmation or declaration made by any person who by law is empowered to give evidence by affirmation or declaration in lieu of oath; and when it is to be computed by days, it shall be exclusive of Sundays and the following holidays, that is to say,—Christmas Day, New Year's Day, Good Friday, Easter Monday, and Easter Tuesday; and when it is to be computed by the month, it shall be construed calendar month; and in all cases it shall be exclusive of the first and inclusive of the last day, unless the last day be one of such holidays, when the following day shall be included.

2. That when the words "the Act" are used, they shall imply the said Act under authority of which these rules are issued. That when, in any of the following rules the word "Commissioners" is used, it shall, where such extended sense is not excluded by the context or by any other of the provisions hereinafter following, be understood to mean such one or more Commissioners or local Commissioners as may at any time, in virtue of the Act, or of any order issued in pursuance of the Act, be directed or authorised to perform the duties or execute the authorities referred to in such rule. That the word "London" shall include as well the City of London as the district comprised within the limits of the Metropolitan Police. That the words "West Indies" shall imply such one or more of the Colonies comprised within the Schedule of the Act as shall from time to time have come within its provisions under the terms of the 69th section thereof.

3. That it shall be in the power of the Commissioners by any fresh rule or rules, from time to time to add to, alter, or annul any of the rules here made, but that every such fresh rule or rules shall be laid before Her Majesty in Council, and be liable to disallowance, as is in the 21st section of the Act provided with respect to all rules made under the authority of the Act.

4. That all attested copies of petitions, affidavits, and other documents in the Offices of the Court shall be written on foolscap paper, becketed, and shall contain three folios of ninety-six words in each page; and all copies shall be attested by the Secretary or such other Officer as the Commissioners shall from time to time for that purpose



appoint, whether such copies be brought in for attestation, or be made out in the office; and when it is required that the common seal of the Commissioners shall be affixed to any document, the same shall be done by the secretary, or by such other person as the Court shall from time to time appoint for that purpose.

5. That all proceedings under the Act commenced in England or in the West Indies, and these general rules shall be applicable to all proceedings within the West Indies, subject only to such modifications as may from time to time be rendered necessary by any conflict between the laws of England and of any colony therein, and be made by the Commissioners under the powers given by the Act and reserved in these rules.

6. That it shall be the duty of the secretaries or other officers on whom such duty shall from time to time be imposed by the Commissioners in London and in the West Indies respectively, to render a statement in such form, and so certified as the Commissioners shall direct, by each bi-monthly mail, of the proceedings before the Commissioners in England and the Local Commissioners respectively, and of the position of each petition (to be interchanged between the colony in which any estate is situated and the Court of the Chief Commissioner in London), and that such statement of proceedings shall be open for inspection by any person demanding it, without fee or reward.

#### *Commencement of Proceedings.*

7. That proceedings under the Act shall be commenced by petition, to be addressed and framed according to the forms to be approved by the Commissioners; and every such petition shall be signed by the petitioner or his attorney, and shall be accompanied by an affidavit verifying the material facts therein, and containing an averment that the deponent does not know or believe that any petition in the same matter has been presented in the West Indies or in England, as the case may be.

8. That every person presenting a petition to the Commissioners otherwise than through the agency of an attorney, shall state some place, at foot thereof, in London, where such petition is presented in England, or within the chief town of any colony in the West Indies if such petition is presented therein, where notices and orders may be served on him; and such party, or, in case of his death or transmission of his interest, the party claiming in his right, may from time to time change such place of address, and substitute some other place within the same limits respectively for the like purpose.

9. That after a petition is filed, the secretary, or such other officer as the Commissioners shall from time to time for that purpose appoint, shall, on the application of any party interested, give a certificate that such petition has been filed, in order that the matter may be registered as a *lis pendens*.

10. That on every petition for a sale an order shall be made by the Commissioners, either dismissing the petition or reserving it for inquiry, or granting a conditional order for a sale, stating therein by name or general description the parties who must be served with such order, and the time within which cause against such order must be shown; but the petitioner, if he be dissatisfied with the fiat of the Commissioners, may, by notice left in the office, require that he may be heard by himself, his counsel, or agent.

11. That in any case in which a party shall seek to show cause against or to set aside any order made by the Commissioners, he shall lodge a notice to that effect in the office, and state at foot or on the back thereof upon what party he requires

such notice to be served, and the grounds upon which he seeks to shew cause against and set aside such order, and the subject-matter of such notice shall come on to be heard in due course before the Commissioners; but the party so seeking to show cause against or set aside any order shall not be permitted to advance at such hearing any grounds other than those stated and set forth in such notice, unless by special leave of the Commissioners, and upon such terms as the Commissioners may impose; and the Commissioners, on the hearing of such matter, shall, if they think fit, make an order to vary or to discharge the order already pronounced, or make such other order as they shall think fit, and may order the whole or any portion of the costs, up to and including the hearing of such matter, to be paid by such of the parties as they shall think properly liable thereto.

#### *Removal of Proceedings.*

12. That it shall be open to any owner or incumbent, whether he shall have commenced the proceedings himself or not, to make application by petition to the Chief Commissioner to transfer proceedings commenced in the West Indies to England, or proceedings commenced in England to the West Indies, and that such petition shall state the grounds of such application, and be supported by affidavit in all its material facts, and if it be shown to the satisfaction of the Chief Commissioner that notice has been duly served upon all parties interested who have up to that time taken part in such proceeding, of such application and of the grounds thereof, with copies of the affidavit in support thereof, and if no opposition be made thereto within such period as the Chief Commissioner shall from time to time determine with reference to the residences of the parties before him, or if the grounds of opposition appear to the Commissioner insufficient, or if the consent of all such parties be stated in the original affidavit and satisfactorily proved before him, and if such Chief Commissioner be of opinion that the grounds of such application are established, and are sufficient, he shall issue an order for the immediate stay of such proceedings in the Court in which they are then pending, and for their transfer, in the stage they then shall have reached, to the West Indies or to England, according to the prayer of the petition.

13. That it shall be in the power of the Chief Commissioner, at any time when it shall appear to him desirable for the interests of the several parties, or he shall for any special circumstances think it right that the proceedings upon any petition should be transferred from England to the West Indies or from the West Indies to England, or should be transferred back again after any transfer, to direct such transfer.

14. That upon any such transfer all parties already before the Court, or desirous to receive notices, or to enter an appearance, shall enter an address with the secretary of the Court to which such proceedings are from time to time transferred, that is to say, in London, if such Court is in London, or if in the West Indies within the colony in which such Court is situate.

15. That whenever a transfer of proceedings shall be directed under the terms of either of the two last rules, from the West Indies to England, or from England to the West Indies, all proceedings under such petition, where the same shall be carried on in England, shall cease therein from the date of the order of the Chief Commissioner, and where such proceedings are carried on in the West Indies they shall cease therein from the date of the receipt of such order by the secretary of the Local Commissioners within the colony from which such proceedings are transferred.

16. That all matters and things previously done under such petitions shall have as full power and validity as if they had been done, and that they shall be deemed to have been done within that Court, whether in England or the West Indies, to which they shall be so transferred.

17. That in the case of removal of proceedings from England to the West Indies, or *vice versa* the cost of the proceedings up to the time of such removal, including the fees, if any, which may have become payable under the 13th Section of the Act, shall be at the discretion of the Chief Commissioner, who shall award and apportion the same, and give such order as to the payment or recovery thereof, either at the time of such removal or at the termination of the proceedings by sale or otherwise, as to him shall seem just.

*Proceedings after absolute Order of Sale.*

18. That when an absolute order for a sale shall be pronounced, the Commissioners may, if they shall think it necessary, require the owner and all other persons to produce to, or lodge with the Commissioners, on oath, all deeds, books, papers, documents, and writings in their possession, custody, or power, respectively, relating to the premises ordered to be sold, and to the charges thereon, and to do all such other acts and furnish such information within the authority of the Commissioners to direct, as may be necessary to enable the Commissioners to sell the premises to the best advantage.

19. That the statements in any petition shall not constitute an admission of the validity of any claim stated therein, or of any particular sum being due in respect of any incumbrance, save claims and sums expressly admitted by the petitioner.

20. That on the order for a sale being made absolute, a notice shall be circulated among the tenantry or persons residing on the property, or others interested therein, according to a printed form to be approved by the Commissioners, specifying the tenancies, leases, and agreements which are admitted, and calling upon all parties who have claims for other tenancies, leases, or agreements not specified, or who consider that the terms of their tenancies, leases, or agreements are incorrectly stated, to come forward and apply for an amendment of the order in this behalf. But this rule shall not be construed as rendering it necessary to serve every tenant or every person residing on the property, or claiming to be interested therein, with such notice.

21. That if any person shall claim to be entitled to any lease or agreement other than those which are admitted, he shall lodge in the office the particulars of such claim, accompanied by an affidavit that he believes the same to be just and true, and (if he does not appear by attorney) stating the address to which notices and orders may be served on him; and the Commissioners shall thereupon make an order, either allowing his claim in the whole or in part, or calling upon him to sustain it by sufficient evidence, or such other order as may meet the merits of the case.

22. That when the absolute order for a sale shall be pronounced, advertisements shall be published in a London newspaper, and in one or more newspapers published and circulated within the colony in which such property is situate, and such other newspapers as the Commissioners shall direct, giving notice of such order, and calling upon all claimants of estates, interests, or incumbrances in or upon the premises ordered to be sold, to come forward and establish their several claims and demands.

23. That when the absolute order for a sale shall be pronounced, the Commissioners shall

direct what further information shall be procured respecting the title of all parties to the premises, and to the incumbrances affecting the same, and what searches or further searches should be made in relation thereto; and such person as they shall direct shall forthwith proceed to make out a full title to the premises, including charges and incumbrances thereon, and shall prove and verify the same in such manner as the Commissioners shall direct; but the sale itself shall not be delayed by the proceedings under this and the preceding rule, unless the Commissioners shall see cause for deferring such sale.

*Sale and Conveyance.*

24. That in any case in which it shall appear to the Commissioners that any premises can be sold by auction to better advantage out of London, the Commissioners may direct that the biddings shall be made at such place and before such person as they shall for that purpose appoint; and thereupon such biddings shall be had accordingly, and shall be returned to the Commissioners, who shall declare the highest bidder the purchaser, unless the highest sum offered shall be in the opinion of the Commissioners clearly inadequate, or unless the Commissioners shall see good cause against confirming the sale.

25. That if upon a sale by auction the highest price offered for any lot be in the opinion of the Commissioners clearly inadequate, they shall be at liberty to adjourn the sale of that lot to a future day.

26. That no sale of any lot shall be deemed to have been made until the amount of deposit (if any) required by the conditions of sale shall have been actually paid in the manner prescribed by such conditions.

27. That immediately after a sale, whether by public auction or private contract, the purchaser shall obtain a certificate under the seal of the Commissioners that he is the purchaser, thereby authorizing him to pay the amount of his purchase money into the Bank of England in the case of a sale in England, or into the commissariat chest of the colony within which such property is situate, where the sale takes place within such colony, if there shall be any commissariat chest within such colony, and, where there is none, into such commissariat chest within any other West India colony as the Commissioners shall direct, to the account of the Commissioners, to the credit of the estate of A. B., of, &c., [as the case may be], and shall procure the notification by the Bank or the commissary of the commissariat chest to the Commissioners of the receipt of the money.

28. That the conveyance or assignment of all premises sold by the Commissioners shall be prepared by and at the expense of the purchaser, and the draft thereof shall be approved of by the Commissioners; It shall specify the tenancies (if any) subject to which the sale is made, and any apportionment of rent between the purchaser and the proprietor of other lands demised with the lands sold, or any part thereof, and any rents or incumbrances remaining charged upon the property, or any part thereof, in the hands of the purchaser; and the Commissioners shall, when necessary, ascertain and define the relative rights of the purchaser and the prior possessor with respect to any crops on the land.

29. That the duplicates or counterparts of leases, where they exist and can be had, or other evidences of the tenancies subject to which the sale is made, shall be delivered to the purchaser, except where they relate also to other lands, in which case copies shall be delivered to him.

30. That the Commissioners may require and compel all persons claiming to be tenants to pro-

duce the leases, or agreements, or other instruments under which they so claim, and to give copies thereof.

31. That in case the purchase-money, and any interest which may have accrued upon it under the terms of the sale or by law, shall not be paid into the Bank, or into the commissariat chest of the Colony, as the case may be, within 14 days after the sale, or where there is not a commissariat chest in such Colony, in such other mode and within such period as shall have been in any case directed by the Commissioners, any party to the proceedings may procure an order for payment; or the Commissioners may make such order without any special application, or may, if they think proper, re-sell the property; and the expenses incident to such re-sale, together with the deficiency (if any) in the price obtained below the former price, shall be paid forthwith to the purchaser at the former sale, for which payment the deposit (if any) shall be a guarantee; but he shall not be entitled to the benefit of any excess in the price which may be obtained at the latter sale.

*Distribution of the Purchase-Money.*

32. That any deduction in the nature of per centage fee out of the purchase-money from time to time made payable in England, by any scale of fees in respect of proceedings under the Act fixed by the Commissioners, under the authority of the 13th Section of the Act, or any such deduction made payable in any Colony within the West Indies, by any scale of fees so fixed by the said Commissioners, and not disallowed or altered by the Legislature of such Colony, shall be set aside for the purpose of being appropriated in accordance with such scale or scales of fees, before any other application of such purchase-money under the provisions of the Act.

33. That the costs properly incurred by an incumbrancer coming in and proving his incumbrance shall, except where the Commissioners may otherwise direct, rank in point of priority with the incumbrance in respect of which such costs have been incurred.

34. That a Schedule of incumbrances shall be prepared by the Commissioners, or such of their officers as they shall appoint, according to their several priorities, with the sums due on each for principal, interest, and costs respectively, and, in case of an annuity for arrears and costs; and when such Schedule shall be filed, notice thereof shall be given by advertisement in one or more newspapers, as has been already directed in the Rule, No. 22, as to notices of order of sale; and if the Commissioners shall consider it necessary, notice shall also be especially given to the incumbrancers, and other parties interested in the premises, or their attorneys; and if no party interested shall file an objection thereto within such time as the Commissioners shall appoint for that purpose, the same shall stand confirmed without further order; and all parties shall be bound thereby, so far as relates to the money produced by the sale of the premises in respect of which such Schedule shall be made, unless the Commissioners shall, on special application, make an order to the contrary.

35. That any party may file an objection to the Schedule of incumbrances within the time so appointed, and shall briefly state therein the grounds of his objection, and such objection shall be heard and dealt with by the Commissioners in such manner as they shall think fit.

36. That after the Schedule of Incumbrances shall be confirmed, and if the Commissioners shall think the funds may be safely distributed, the Commissioners shall allocate the stock and funds in

Court (computing the value of the stock at the price of the day of such allocation) among the several incumbrances and parties entitled, according to their priorities; and such allocation, so far as it may extend, shall be deemed payment of such incumbrances, so that they shall cease to bear interest, and the owner of the incumbrance shall be entitled to the dividends on the stock, and shall be liable to all the consequences of its fall or rise in price; but such Commissioner shall not be bound to make any allocation of stock or funds in part payment of an incumbrance, without the consent of the incumbrancer, unless or until the whole of the lands comprised in his security has been sold by the Commissioners; but nothing herein contained shall prevent the Commissioners from conveying the portion of such lands which has been sold free from and discharged of such incumbrance.

37. That the Commissioners may, before such Schedule as aforesaid shall be finally settled, upon the application of any person who shall be the first or an early incumbrancer, and whose claim shall appear to be valid, order payment to such incumbrancer of the amount claimed by him, or any part thereof, if it shall appear to the Commissioners that such order may be made with safety to all parties; but the costs of such application shall not be allowed on taxation against the fund, unless in the order pronounced by the Commissioners they shall award the costs thereof to such incumbrancer.

38. That when stock or money is allocated to trustees, the Commissioners may refuse to order a transfer or payment thereof to be made to them, unless the full number of trustees shall exist according to the provisions of the instrument creating the trust.

39. That the fund allocated to any party shall not be transferred or paid over to him until he shall have verified his title thereto, as the Commissioners shall direct.

40. That the Commissioners shall not draw in favour of, or transfer stock to any person in payment of a legacy, until the person entitled to such payment shall produce a certificate from the proper officer of the payment of the legacy-duty, if any, payable in respect thereof; but the Commissioners may, with the consent of such person, draw in favour of, or transfer to the proper officer authorized to receive the same, the amount of such duty.

41. That the Commissioners may, in any special case, order the payment of money or transfer of stock to any person, upon his giving such security as shall be approved of by the Commissioners to abide any order which the Commissioners may afterwards make in regard thereto.

42. That notice in writing of any assignment, charge, or other disposition of any fund in the hands of the Commissioners, or of the interest of any person therein, must be lodged in the office, stating particularly the fund to which the same relates, and the name of the person whose interest therein is affected, and the name of the party so claiming to be interested in such charge, and some place in Great Britain, Ireland, or in that Colony in the West Indies where such proceedings are carried on, where notice may be served upon such party or his attorney.

*Proceedings for a Partition.*

43. That when an application for a partition is presented under the 55th Section of the Act, the Commissioners shall direct what notices shall be served, and on whom, and shall direct advertisements to be published in the manner herein-before directed in Rule No. 22 for notices by advertisement in the public papers, calling upon all parties interested to serve notice of objections (if any they have to a partition) before a certain day therein to be named; and on the day named in

such advertisement, or as soon after as may be convenient, the Commissioners shall hear the said application, and if no objection shall be substantiated, will issue an order to one or more surveyor or surveyors to make a report, according to instructions to be contained in such order; and as soon as the report of the surveyor or surveyors shall be returned to the Commissioners, they shall name a day on which a partition shall be made, unless in the meantime a notice of objection shall be served on behalf of some interested party, in which case the Commissioners shall hear all parties who require to be heard, and examine the proceedings, and make a partition, or such other order thereon as may appear to them to be proper.

44. That application for a partition, under the 55th Section of the Act, may be either included in an original petition for a sale, or made by supplemental petition, referring to the former petition, and to the proceedings thereon.

45. That the costs properly incurred in proceedings for a partition, including the costs of the survey and advertisements, shall be borne by the owners of the estate in proportion to their respective shares; and the amount paid by any owner having a limited interest shall be a charge in his favour upon the inheritance or whole interest in the share allotted to him.

*Proceedings for Exchange or for Division of Intermixed Lands.*

46. That application for an exchange, under the 56th Section of the Act, may be either included in an original petition for sale, or made by supplemental petition, referring to the former petition, and to the proceedings thereon.

47. That the costs properly incurred in proceedings for an exchange or division shall be borne in such proportions as the Commissioners shall direct, having regard to any special agreement between the parties; and the amount paid by any owner having a limited interest shall be a charge in his favour upon the inheritance or whole interest in the lands allotted to him.

48. That the Local Commissioner or Commissioners, if more than one in any Colony, and the Assistant Commissioner or Commissioners, if residing therein, shall, whether sitting singly or jointly, have the powers and authorities of a Court of Record.

*Chief Commissioner.*

49. That the Chief Commissioner may, either with or without the Assistant Commissioner or Commissioners if more than one, do all acts, matters, and things, and may exercise all powers and authorities which the Commissioners are by the Act, or by these Rules empowered to do or exercise.

*Assistant and Local Commissioners.*

50. That the Local Commissioners and the Assistant Commissioners resident within any Colony, or either of them, if more than one, shall have power, and they are hereby required, so often as such inquiries are referred to them by the Chief Commissioner, to examine, within the Colony in which they are acting or resident, into the title or rights of priority of any owner or incumbrancer of any estate that is the subject of petition, whether upon the original petition or after conditional or absolute order of sale, or after sale with view to the conveyance of the property, or the distribution of the purchase money; and to undertake any other inquiries in all cases in which a title or titles, priority or priorities, or petition for division, exchange, or apportionment, shall be referred to him or them by the Chief Commissioner.

51. That Local Commissioners within the Colony for which they are appointed, or such Assistant

Commissioners, (when resident therein,) acting separately or jointly, shall cause to be put in force, in the manner therein directed, all or any of the powers in the 22d Section of the Act contained, with respect to the attendance or examination of witnesses, or the production of deeds or papers relating to such several matters, and shall examine such witnesses, deeds, or papers; and that the said Local or Assistant Commissioners, or one of them, as the case may be, shall certify to the said Chief Commissioner the result of any such inquiry, who shall thereupon, either alone, or with such Commissioner or Commissioners, act as seems to him right in the premises.

52. That any Local or Assistant Commissioners so acting, either together or separately, under the directions of the Chief Commissioner, shall have the powers, rights, and privileges which are assigned by the 25th Section of the Act to the Commissioners acting within their jurisdiction.

53. That the Local Commissioners within the West Indies, in their own Colonies, and any Assistant Commissioner or Commissioners while residing there, shall have the same powers, as far as the same are applicable, as are possessed by the Chief Commissioner in England, with the exception of the authority to transfer proceedings from England to the West Indies, or *vice versa*, and of the power to frame rules or alterations under the 20th or the 66th Section of the Act, and of the authority to fix a scale of fees for proceedings under the Act.

*Secretary and other Officers.*

54. The Secretary and other officers appointed under the Act, shall, from time to time, be employed in the execution of the Act in such manner as the Commissioners shall direct.

*Practice.*

55. That whenever a party served with or affected by a conditional order shall file an affidavit, or rely on any matter as cause against any such order, and shall give notice thereof, and shall not (where such notice has to be both given and received within London, or within any West Indian Colony,) appear in court to shew cause against any such conditional order within a week; or where such notice has to pass from England to the West Indies, or *vice versa*, shall not so appear within four months, such cause shall be disallowed, and the party originally obtaining such conditional order shall be entitled to an office rule, making the same absolute against such party, which shall be an authority for taxing the costs of supporting such order against the grounds stated in such notice of opposition, and in any affidavit referring to the same.

56. That nothing in these rules shall be construed to prevent the Commissioners from limiting or extending the time for supporting or opposing conditional orders under special circumstances, or from dismissing or disallowing at once any application to set aside a conditional order when the grounds stated on the face of such application are clearly insufficient or futile, or from reconsidering or reversing any order already made absolute, or from acting in the premises in any way which the diversity in the local residence of the parties or the justice of the case may seem to them to require.

57. That every attorney who appears for any party shall enter his name and address in a book to be kept in the office for that purpose; and every change of attorney or address shall be entered in the same manner.

58. That every person making an application to the Commissioners in England shall enter an address in Great Britain or Ireland, and, in the case of an application in any colony in the West Indies,

an address within such colony, to which all notices or orders to him may be sent, and may change the same from time to time; and that any notice or order which may require to be served in any matter, shall be lodged with such of the officers of the Court as the Commissioners shall appoint for that purpose, and shall be served in manner hereinafter mentioned, through the office of such officer, unless the Commissioners shall otherwise order; and such notice or order may be transmitted by the post where there is a communication by post, or by messenger where there is no such communication, by the clerk or officer so to be appointed for that purpose; and the certificate of such clerk or officer of the sending by the post or service by messenger when so served, of such notice or order, shall be sufficient proof that such notice or order was duly served at the time when the same would reach the said address in the ordinary course of the post, or at the date at which such notice or order was left at such address in the case of delivering by messenger.

59. That whenever a notice or order shall be lodged in the office of the Commissioners for the purpose of being served, if the application is in England, or in any colony in the West Indies within which communication by post is established, and be intended for places within such communication, the person lodging the same shall at the same time bring in and lodge as many copies of such notice or order as such person shall require to be served; and shall also, at the same time, bring in and lodge in the office as many covers or envelopes, with a sufficient postage-stamp affixed on each, as may be necessary for the purpose of transmitting such copies free by post, and upon which envelopes or covers shall be legibly written by the party bringing in the same the address of the parties respectively on whom such copies are to be served; and it shall be the duty of the officer to compare such copies with the notice, and to correct the same when necessary, and also to compare the address on each cover or envelope with the address mentioned at the foot of such original notice, and to see that the same is correct. And that all notices to be served through the Notice Office shall be lodged in such office before the hour of two o'clock on the day upon which it is required that the same shall be sent, and that the Notice Clerk himself, or some other of the sworn clerks of the Court, shall deliver into the post-office copies of the different notices, properly addressed as before mentioned, previous to the usual time for closing the post-office for receipt of letters to be dispatched by the next practicable post; and such clerk shall enter in a book, to be kept for that purpose, a memorandum or minute of his having posted such notices; and there shall be indorsed at the foot or on the back of every notice or order that shall be so brought into the Notice Office the name and address of every person upon whom it is required that such notice or order shall be served, and if an attorney, the name of the party for whom he is concerned.

60. That whenever a notice or order shall be lodged in the Notice Office for the purpose of being served within any colony within which no internal communication by post is established, or for places not comprehended in such communication, the persons bringing such notice or notices for delivery by messenger shall tender to the Provost Marshal within such colony, or other officer locally appointed for such purpose, the amount that becomes due for the delivery of the same, including mileage, under and by virtue of the table of fees authorised by the Commissioners to be demanded and taken in such behalf; and that, except in respect of the payment for personal service of such notice or orders,

in the manner herein provided, all the provisions with respect to such notices contained in the preceding rules shall be applicable to the several last-mentioned notices.

61. That whenever the Commissioners shall appoint any person to act in the nature of a guardian or next friend to protect the rights of an infant, idiot, lunatic, or married woman, in any matter depending before them, the order made by the Commissioners to that effect shall be served upon such person or his lawful attorney, and all notices and orders subsequently served upon such person shall be deemed to have been duly served upon the party whose interest such person has been so appointed to protect; but it shall be competent, for any person interested, or claiming to be interested, to apply to the Commissioners to rescind or vary the order appointing such guardian or next friend, or to have some other person appointed in his place.

62. That when any person claiming to be interested shall desire to be served with notice of the proceedings in any matter, he shall be at liberty to enter an appearance in the form or to the effect following:—

“*C. D.* appears in this matter [stating the title of the matter] for the purpose of being served with notice of all proceedings therein. Dated this day of 1857.”

And such notice must be signed by the party himself, or his attorney, and some place stated therein where notices are to be served on him or on his attorney; and thereupon the party entering such appearance shall be entitled, unless the Commissioners shall think fit otherwise to direct, to be served with notice of all proceedings in the matter, and to appear thereon, until he shall by notice declare that he withdraws such appearance; but the costs occasioned by and consequent on entering such appearance shall be paid by the party entering the same, unless the Commissioners shall otherwise direct.

63. That the Commissioners shall from time to time examine the state of each matter, and the proceedings which may have taken place since such last examination; and if any matter shall appear not to have been prosecuted with due diligence, they shall require the party having the carriage thereof to explain the reason of such neglect or delay, and if such reason shall not appear satisfactory they shall be at liberty to order the carriage of such matter to be transferred to some other party interested in such matter, who shall undertake to prosecute the same with due diligence, and shall order the costs occasioned by such transfer to be paid by the party guilty of such delay; and shall order all papers and documents relating to the proceedings in such matter, which were in the custody, power, or procurement of the petitioner or party having the carriage of the proceeding, or his attorney, to be handed over to such other party, or lodged in court, as the Commissioners shall direct; and no petition shall be withdrawn without the leave of the Commissioners.

64. That every petitioner shall be at liberty until an order shall be made upon his petition, to amend the same as often as he may be advised, but after any order shall be made upon the petition no other amendment shall be made in any petition without the leave of the Court; and in all cases of amendment the material facts, the subject matter of the amendment so sought to be made, shall be verified by affidavit.

65. That any party introducing any scandalous, prolix, or impertinent matter into any petition, affidavit, or other document, shall pay the costs incident to such misconduct, and all such scandalous, prolix, and impertinent matter shall be expunged at the expense of such party.



66. Thus, whenever any married woman is, under the provisions of the 50th Section of the Act, treated as a feme sole, she shall be subject to examination by the Commissioners or such other persons as they shall from time to time appoint, separate and apart from her husband, with reference to her assent to any proceedings under this Act which require her assent for their validity.

#### Examination.

67. That all examinations before the Commissioners, or before any examiner, shall be *viva voce*, unless the Commissioners in any special case shall otherwise direct.

68. That whenever any witness shall be examined otherwise than *viva voce*, he shall be examined upon interrogatories, in such form and subject to such directions as the Commissioners shall from time to time deem expedient.

69. That the Commissioners, if they shall think fit, on the application of any party, shall make an order for the examination of any witness out of Great Britain and Ireland, or out of any West Indian Colony within which the matter is carried on, before a person to be mentioned in such order; and the expense of such order, and of executing the same, shall be in the discretion of the Commissioners; and the examination and cross-examination of such witnesses shall be subject to the rules applicable to the examination of a witness in Great Britain or Ireland, unless the Commissioners shall otherwise direct.

70. That all parties claiming to be interested in any matter before the Commissioners, and all witnesses, shall be bound to answer all lawful questions; and in the event of such parties or witnesses not fully or fairly answering the same, whether upon *viva voce* examination or upon interrogatories, they shall be deemed guilty of a contempt of court.

71. That any party interested in any manner shall be at liberty to examine any other party interested therein, upon such personal interrogatories as the Commissioners shall approve of, and such examination shall take place within such time as the Commissioners shall appoint; and the examination of any party on personal interrogatories shall be conducted in the same manner as the examination of a witness before an examiner.

#### Affidavits.

72. That whenever any affidavit shall be made before the Commissioners, or before any person whom they shall authorize to take the same, such affidavit or affirmation shall not be returned to the party, but shall be filed in the proper office of the Court.

73. That no affidavit shall be received in which there shall appear to be either interlineation or erasure, unless such interlineation or erasure be noticed in the jurat of such affidavit; and the time when, and the place where, every affidavit is sworn, shall be stated in the jurat thereof.

74. That all affidavits, answers, and all other proceedings that could be read and relied upon in any of the Superior Courts of law and equity may be read and relied upon before the Commissioners, subject to all just exceptions; and that copies thereof, purporting to be attested by the proper officer, shall be considered as *prima facie* evidence thereof.

75. That the Commissioners shall not be bound to reject any affidavit by reason of any irregularity in the heading or the jurat thereof, or by reason of non-compliance with any of the preceding rules.

#### Orders.

76. That in case of disobedience of any order made by the Commissioners, a writ of attachment shall issue against the party so in default or dis-

obeying the order of the Court; and all sheriffs and other officers charged with the execution of like writs issuing out of the High Court of Chancery in England, or the Supreme Court of Judicature within any West Indian Colony shall be bound duly to execute the same.

77. That the Commissioners shall, in case they think fit, in order to enforce obedience to their orders, cause a writ of sequestration to issue against any party in default; and such writ of sequestration shall be executed in like manner as writs of sequestration issuing out of the High Court of Chancery in England, or the Court of Chancery within any West Indian Colony, may now be executed.

#### Costs.

78. That all costs incurred in proceedings before the Commissioners, or in relation thereto, shall be taxable upon the requisition of any party (without any order referring the same for taxation), by such officer of the Court as the Commissioners shall from time to time appoint for that purpose; and it shall be the duty of such officer, if any difficulty shall arise upon the taxation of such costs, to consult the Commissioners in regard thereto. And it shall be lawful for any party dissatisfied with such taxation to apply to the Commissioners by way of appeal from such taxation; but unless notice of such application shall be lodged for service within two days after such costs shall be certified by the officer appointed to tax the same, the taxation thereof shall be conclusive upon all parties, unless the Commissioners, upon special grounds, shall otherwise order.

79. That the officer from time to time appointed to tax costs shall be at liberty to tax costs incurred in proceedings before the Commissioners, or in relation thereto, between attorney and client, without any rule or order for that purpose, and it shall be his duty so to do upon the requisition of the client.

80. That in all cases of costs, whether between party and party, or attorney and client, it shall be competent for the party against whom such costs are claimed to offer by notice a sum in gross in lieu of such costs; and if the party entitled to such costs shall agree to accept of such sum, the officer appointed for the taxation of costs shall certify the sum specified in such notice as the sum at which he has ascertained such costs; but in case the party entitled to such costs shall refuse to agree to such notice, and shall thereby render it necessary to have such costs taxed, and the same shall be taxed to less than the sum so offered by such notice, the party entitled to such costs shall be charged with the expenses of such taxation, and the same shall be ascertained by the officer and deducted from the amount of such costs, or an office rule may be obtained for the payment of the same, in case the sum due on such costs shall not be sufficient to cover the amount of such expenses.

81. That in any case in which the Court shall award costs to any party it shall be optional with the Court either to refer the costs to be taxed, or by the order to direct payment of a sum in gross in lieu of taxed costs, and also to direct by and to whom such sum in gross shall be paid.

82. That in any case in which costs are directed to be paid by any order, and the same shall be subsequently taxed or ascertained, the party entitled to such costs may, upon production of the said order and the officer's certificate of the amount thereof, have an office rule entered for the payment of the same.

83. That all bills of costs, whether attorney and client, or party and party, when taxed, shall be retained in the office; and at the end of every term all such bills of costs taxed since

the previous term shall be bound up in one or more volumes, with proper indices, and to that end the costs for taxation shall be written on post paper, bookwise, with a sufficient margin; and in taxing any subsequent costs in the same cause or matter regard shall be had to the preceding bills, so as to ascertain that none of the items charged were included in any previous bill; but no inspection shall be given of any bills of costs lodged in the office between attorney and client, except to the attorney or client, or their respective agents, without the special order of the Court.

84. That on the taxation of costs no sum shall be allowed for the attendance of counsel on a reference before a Commissioner, unless such Commissioner shall have entered in his book his approbation of the attendance of such counsel.

#### *Money and Stock.*

85. That when any stock shall stand in the Bank of England to the credit of the Commissioners, the Governor and Company of the Bank of England shall from time to time receive the dividends arising therefrom, and furnish to the Commissioners a schedule, signed by the proper officer of the Bank of England, containing all sums of money received by them for such dividends, specifying in what manner and account each sum is received.

86. That the Governor and Company of the Bank of England shall not transfer stock or pay money standing to the credit of any matter, without an order of the Court under their seal, and signed by one of the Commissioners.

87. That in order to provide against the accumulation of accounts for sums under 6*d.*, in all cases where a fractional part of 6*d.* may occur in dividing sums in cash or stock, or may remain after payment out of all the other funds as the sole balance, the Commissioners may pay or transfer the same, not exceeding 6*d.*, to the parties, in such manner as shall appear most convenient for closing finally such account; and that where an allocation or order shall be made for any fraction under 1*d.*, the Commissioners may draw without regard to such fraction.

88. That in any case in which an order shall direct the dividends of stock to be invested from time to time, the officer of the Court shall give a schedule and notice thereof to the broker, who shall accordingly invest such dividends at the end of each half-year, deducting therefrom his lawful commission, and thereupon the Commissioners shall draw in favour of such broker for the sum so invested.

89. That the broker, in figuring valuations of stock under any money order, shall not charge more than 5*s.* for the first valuation, and 2*s.* for every subsequent valuation.

90. That in any case in which any stock shall have been allocated to, and afterwards ordered to be transferred to any person, the Commissioners shall draw in his favour for the dividends (if any) received subsequent to such allocation.

91. That whenever an order shall be made for the purchase of stock with money standing to the credit of the Commissioners, the price shall not be paid to the broker until he shall have transferred to the Commissioners stock equal in value to the money to be invested, deducting his lawful commission, and shall have produced the certificate of the proper officer of the Bank of England to that effect, unless the Commissioners shall, under special circumstances, otherwise direct.

92. That whenever an order shall be made for the sale of stock standing in the name of the Com-

missioners, the same shall not be transferred until the broker shall have lodged in the Bank, to the credit of the Commissioners, the price thereof, deducting his lawful commission, and shall have produced the certificate of the proper officer of the Bank of England to that effect, unless the Commissioners shall, under special circumstances, otherwise direct.

EDMUND PHIPPS.

FREDERIC ROGERS,

Laid before Her Majesty in Council the Sixth day of May 1857.

### BANKRUPTS

FROM THE LONDON GAZETTE.

#### BANKRUPTCY DISMISSED AND ANNULLED.

John Palmer, of Broad Street, Birmingham, Warwick, pin maker, carrying on business in Broad Street, Birmingham aforesaid, in partnership with Oliver Gaishford Blackham, as pin makers, under the style or firm of Palmer & Blackham.

#### BANKRUPTCY ANNULLED.

Richard Derbyshire, of, and carrying on business under, the firm of Wilson & Derbyshire, at Liverpool, Lancaster, provision merchant.

#### BANKRUPTCIES AWARDED.

John Dickson, of No. 48, Bread Street, London, warehouseman and commission agent.

Thomas Hawley, of No. 221, Blackfriars Road, Surrey, of Clement's Inn Passage, Strand, Middlesex, of No. 27, King's Road, Chelsea, Middlesex, and also of No. 97, Crawford Street, Marylebone, Middlesex, grocer.

John Kirkham, of Bridge Road, Battersea, Surrey, ironfounder, trading under the style or firm of John Kirkham & Co.

Henry Lancaster, late of Walsall, Stafford, ironmaster. William Winning, of Wirksworth, Derby, smallware manufacturer.

Martin Collett, of Stanley Downton, Leonard Stanley, Gloucester, miller.

William Davis and William Henry Davis, both of Haverfordwest, drapers, trading there under the style or firm of William Davis & Son.

Joseph Foot, of Alma Place, Plymouth, Devon, builder.

William Thomas Metcalfe, of Great Driffield and Bridlington, both in York, draper, hatter, and tailor.

Joseph Stephenson, of Winterton, Lincoln, innkeeper, and wine and spirit merchant.

William Oakes, of Sheffield, York, edge tool manufacturer.

Thomas Clayton and Thomas Sanders, both of Liverpool, Lancaster, slaters and plasterers, and carrying on business as slaters and plasterers there in copartnership, under the style or firm of Clayton & Sanders.

Joseph Daniel, of Manchester, Lancaster, builder.

William Wild Wright, of Stockport, Chester, grocer.

Henry Septimus Wolstencroft, of Middleton, Lancaster, logwood grinder.

Henry Apthorp Bentham (and not Henry Althorpe Bentham, as previously advertised), of Sunderland, Durham, shipowner, and ship and insurance broker.

#### MONARCH ASSURANCE COMPANY,

Adelaide Place, London Bridge,—August 4, 1857.

NOTICE is Hereby Given, That a Special General Court or Meeting of the Proprietors or Shareholders of The Monarch Fire and Life Assurance Company will be held at the London Tavern, Bishopsgate Street, in the City of London, on Tuesday the 22d day of September 1857, at two o'clock in the afternoon precisely, in order to consider the propriety of confirming certain Resolutions passed at a Special General Court or Meeting of the Proprietors or Shareholders of the Company, held on the 20th day of July 1857, for Dissolving the Company.—By Order of the Board,

Witness—GEO. H. JAY, Manager.  
HENRY CHILD, Solr. I, Turnwheel Lane, London.



STATIONS OF THE BRITISH ARMY on the 6TH AUGUST 1857.

Where two Places are mentioned, the last named is that at which the Depôt of the Regiment is Stationed.

CAVALRY.

- 1st Life Guards, Regent's Park.
- 2d Ditto, Hyde Park.
- Royal Horse Guards, Windsor.
- 1st Dragoon Guards, Aldershott.
- 2d India—Canterbury.
- \*3d, Canterbury.
- 4th, Manchester.
- 5th, Piershill.
- 6th, Bengal—Maidstone.
- 7th, Sheffield.
- 1st Dragoons, Dublin.
- 2d (Greys), Dublin.
- 3d Light, Newbridge.
- 4th, Aldershott.
- 6th, Aldershott.
- 7th Hussars, Aldershott.
- 8th Hussars, Dundalk.
- 9th Lancers, Umballah, Bengal—Maidstone.
- 10th Hussars, Birmingham.
- 11th Hussars, Hounslow.
- 12th Lancers, Madras—Maidstone.
- 13th Light Dragoons, Newbridge.
- 14th Ditto, Kirkee—Maidstone.
- 15th Hussars, Aldershott.
- 16th Lancers, Kilkenny.
- 17th Do. Dublin,

MILITARY TRAIN.

- 1st Battalion, Aldershott.
- 2d Do. On passage to China.
- 3d Do. Shorncliffe.
- 4th Do. Curragh of Kildare.
- 5th Do. Woolwich.
- 6th Do. Aldershott.
- Depôt—Horfield Barracks.

FOOT GUARDS.

- Grenadier Guards, (1st Battalion) Wellington Barracks.
- Do. (2d Battalion) Dublin.
- Do. (3d Battalion) Windsor.
- Coldstream Guards, (1st Battalion) Aldershott.
- Do. (2d Battalion) Wellington Barracks.
- Scotch Fusilier Guards, (1st Battalion) St George's Barracks.
- Do. (2d Battalion) The Tower.

INFANTRY.

- 1st Foot, (1st Battalion) India—Glasgow.
- Do. (2d Battalion) Gibraltar—Glasgow.
- 2d, Cape of Good Hope—Colchester.
- 3d, Corfu—Templemore.
- 4th, Mauritius—Colchester.
- 5th, Hong Kong—Jersey.
- 6th, Cape of Good Hope—Colchester.
- 7th, India—Portsmouth.
- 8th, Jullundhur, Bengal—Chatham.
- 9th, Kingston, Canada—Limerick.
- 10th, Dinapore, Bengal—Chatham.
- 11th, New South Wales—Cork.
- 12th, (1st Battalion) Tasmania—Colchester.
- Do. (2d Battalion) Cape of Good Hope—Colchester.
- 13th, Cape of Good Hope—Colchester.
- 14th, Malta—Cork.
- 15th, Aldershott—Isle of Wight.
- 16th, Dublin—Limerick.
- 17th, Quebec—Limerick.
- 18th, Curragh of Kildare—Birr.
- \*19th, Portsmouth—Parkhurst, Isle of Wight.
- \*20th, Portsmouth—Chichester.
- 21st, Malta—Glasgow.
- 22d, Aldershott—Chichester.
- 23d, India—Chatham.
- 24th, Bengal—Chatham.
- 25th, Dover—Preston.
- 26th, Bermuda—Walmer.
- 27th, Bengal—Chatham.
- 28th, Malta—Cork.
- 29th, Bengal—Chatham.
- 30th, Gibraltar—Isle of Wight.
- 31st, Gibraltar—Winchester.
- 32d, Bengal—Chatham.
- 33d, Mauritius—Colchester.
- \*34th, Portsmouth—Parkhurst, Isle of Wight.
- 35th, Burmah—Chatham.
- 36th, Manchester—Athlone.

- 37th, India—Chichester.
- \*38th, Dublin—Cork.
- 39th, Montreal—Cork.
- 40th, Melbourne—Belfast.
- 41st, Jamaica—Walmer.
- \*42d, Portsmouth—Stirling.
- 43d, Bangalore, Madras—Chatham.
- 44th, Portsmouth—Walmer.
- 45th, Cape of Good Hope—Colchester.
- 46th, Corfu—Templemore.
- 47th, Gibraltar—Fermoy.
- 48th, Malta—Fermoy.
- 49th, Barbadoes—Walmer.
- 50th, Ceylon—Colchester.
- 51st, Curragh of Kildare—Pembroke.
- 52d, Lucknow—Chatham.
- 53d, For-William, Bengal—Chatham.
- \*54th, Aldershott—Winchester.
- 55th, Gibraltar—Isle of Wight.
- 56th, Curragh of Kildare—Pembroke.
- 57th, Malta—Fermoy.
- 58th, New Zealand—Belfast.
- 59th, Hong Kong—Athlone.
- 60th, (1st Battalion) Meerut, Bengal—Chatham.
- Do. (2d Battalion) Cape of G. Hope—Winchester.
- \*Do. (3d Battalion) Chatham.
- 61st, Bengal—Chatham.
- 62d, Nova Scotia—Birr.
- 63d, Nova Scotia—Birr.
- 64th, Bengal—Chatham.
- 65th, New Zealand—Belfast.
- 66th, Aldershott—Winchester.
- 67th, Plymouth—Athlone.
- 68th, Corfu—Templemore.
- 69th, Devonport—Weymouth.
- 70th, Bengal—Chatham.
- 71st, Malta—Fort-George, N.B.
- \*72d, Shorncliffe—Fort-George, N.B.
- 73d, Cape of Good Hope—Colchester.
- 74th, Jackatalla, Madras—Chatham.
- 75th, Bengal—Chatham.
- 76th, Frederickton, New Brunswick—Birr.
- 77th, On passage to New South Wales—Colchester.
- 78th, Calcutta—Chatham.
- \*79th, Dublin—Stirling.
- 80th, Cape of Good Hope—Pembroke.
- 81st, Lahore, Bengal—Chatham.
- 82d, China—Chatham.
- 83d, Bengal—Chatham.
- 84th, Bengal—Chatham.
- 85th, Cape of Good Hope—Preston.
- 86th, Bombay—Chatham.
- 87th, Bengal—Chatham.
- 88th, India—Chatham.
- 89th, Cape of Good Hope—Colchester.
- 90th, India—Chatham.
- 91st, Corfu—Preston.
- 92d, Gibraltar—Fort-George, N. B.
- 93d, India—Chatham.
- \*94th, Curragh of Kildare—Pembroke.
- 95th, Cape of Good Hope—Cork.
- \*96th, Aldershott—Isle of Wight.
- \*97th, Aldershott—Chichester.
- \*98th, Shorncliffe—Cork.
- 99th, Curragh of Kildare—Cork.
- Rifle Brigade, (1st Battalion) Edinburgh—Winchester.
- Ditto, (2d Battalion) Dublin—Winchester.
- Ditto, (3d Battalion), India—Winchester.
- Royal Engineers, Chatham.
- Medical Staff Corps, Brompton, Kent.

COLONIAL REGIMENTS.

- 1st West India Regiment, Jamaica—Chatham.
- 2d, Ditto, Demerara—Chatham.
- 3d, Ditto, Jamaica—Chatham.
- Ceylon Rifle Regiment, Ceylon and Hong Kong.
- Cape Mounted Riflemen, Cape of Good Hope.
- Royal Canadian Rifle Regiment, Kingston, Canada.
- Royal Newfoundland Veteran Companies, Newfoundland.
- Royal Malta Fencibles, Malta.
- St Helena Regiment, St Helena.
- Gold Coast Corps, Gold Coast.

\* Embarking, or under Orders, for India.



✓ **T**HE Estates of JAMES BOYD, Commission Merchant in Glasgow, were sequestrated on the 4th August 1857, by the Sheriff of the County of Lanark, with protection.

The first deliverance is dated 4th August 1857.

The meeting to elect the Trustee and Commissioners is to be held at 12 o'clock, on Friday the 14th August 1857, within the Globe Hotel, George Square, Glasgow.

A composition may be offered at this meeting; and to entitle Creditors to the first dividend, their oaths and grounds of debt must be lodged on or before 4th December 1857; unless the time of payment shall not have been accelerated, or one month before the time fixed for payment of the first dividend, where such time shall have been accelerated.

All future Advertisements relating to this sequestration will be published in the Edinburgh Gazette alone.

H. RAILTON, Agent,  
48, Queen Street, Glasgow.

✓ **T**HE Estates of LOCKHEAD & M'LAREN, Plumbers and Lead Merchants in Stirling, and of Charles Lockhead, an Individual Partner of that Company, as such, and as an Individual, were sequestrated on the 5th day of August 1857, by the Sheriff-Substitute of the County of Stirling.

The first deliverance is dated the 5th day of August 1857.

The meeting to elect the Trustee and Commissioners is to be held at 12 o'clock noon, on Monday the 17th day of August current, within the Golden Lion Hotel, Stirling.

A composition may be offered at this meeting; and to entitle Creditors to the first dividend, their oaths and grounds of debt must be lodged on or before the 5th day of December next.

A Warrant of Protection has been granted to the Bankrupt, the said Charles Lockhead, against Arrest or Imprisonment for Civil Debt, until the meeting of the Creditors for the election of a Trustee.

All future Advertisements relating to this sequestration will be published in the Edinburgh Gazette alone.

JAMES MATHIE, Writer, Stirling, Agent.  
Stirling, August 5, 1857.

✓ **T**HE Estates of JOHN KIDD, Mathematical Instrument Maker, Dundee, were sequestrated on the 5th August 1857, by the Sheriff of Forfarshire.

The first deliverance is dated the 5th August 1857.

The meeting to elect the Trustee and Commissioners is to be held at 12 o'clock noon, on Friday the 14th August 1857, within the British Hotel, Dundee.

A composition may be offered at this meeting; and to entitle Creditors to the first dividend, their oaths and grounds of debt must be lodged on or before the 6th December 1857.

A Warrant of Protection against Arrest or Imprisonment for Civil Debt, until the meeting of the Creditors for the election of Trustee, has been granted to the Bankrupt.

All future Advertisements relating to this sequestration will be published in the Edinburgh Gazette alone.

WM. MARTIN, Agent,  
10, Reform Street, Dundee.  
RANKEN, WALKER, & JOHNSTON, Edinburgh.

✓ **T**HE Estates of MATTHEW DICK, Yarn Merchant and Starch Manufacturer, Kirkintilloch, were sequestrated on the 6th day of August 1857, by the Sheriff of the County of Dumbarton.

The first deliverance is dated the 6th day of August 1857.

The meeting to elect the Trustee and Commissioners is to be held on Tuesday the 18th day of August 1857, at 12 o'clock noon, within the Black Bull Inn, High Street, Kirkintilloch.

A composition may be offered at this meeting; and to entitle Creditors to the first dividend, their oaths and grounds of debt must be lodged on or before the 7th day of December 1857.

A Warrant of Protection against Arrest or Imprisonment for Civil Debt, until the meeting of the Creditors for the election of Trustee, has been granted to the Bankrupt.

All future Advertisements relating to this sequestration will be published in the Edinburgh Gazette alone.

JA. SERVICE, Writer, Glasgow, Agent.

✓ **T**HE Estates of ANDREW LAWSON M'MURTRIE, Innkeeper, Milngavie, were sequestrated upon the 6th day of August 1857, by the Sheriff of Stirlingshire.

The first deliverance is dated the 6th day of August 1857.

The meeting to elect the Trustee and Commissioners is to be held at two o'clock afternoon, on Saturday the 15th day of August 1857, within the Black Bull Inn, Milngavie.

A composition may be offered at this meeting; and to entitle Creditors to the first dividend, their oaths and grounds of debt must be lodged on or before the 6th day of December 1857.

A Warrant of Protection has been granted to the Bankrupt.

All future Advertisements relating to this sequestration will be published in the Edinburgh Gazette alone.

ROB. DUNLOP, Procurator,  
49, Virginia Street, Glasgow.

**N**OTICE is Hereby Given, that the Sheriff-Substitute of the County of Stirling has, on considering a Petition by WILLIAM MITCHELL, Tanner in Saint Ninian's, for Sequestration of the Estates of LAURENCE M'LAREN, Plumber and Lead Merchant, residing in Stirling, now deceased, an Individual Partner of Lockhead & M'LAREN, Plumbers and Lead Merchants in Stirling, as an Individual Partner of the said Firm of Lockhead & M'Laren, and as an Individual, granted warrant for citing Jessie M'Laren, residing in Baker Street, Stirling, the only child and successor of the said Laurence M'Laren, and her Tutors and Curators, if she any have, in terms of the Statute, to appear in the Court-House of Stirling on the tenth day next after citation, to shew cause why sequestration of the estates of the said deceased Laurence M'Laren should not be awarded.

JAMES MATHIE, Writer, Stirling, Agent.

Stirling, August 5, 1857.

**N**OTICE is Hereby Given, that the Lord Ordinary officiating on the Bills has, on considering a Petition by ROBERT COX, Writer to the Signet, residing in Edinburgh, for Sequestration of the Estates of Miss ISABELLA KNOX, sometime residing in North Leith, near Edinburgh, and thereafter at Melrose, in the County of Roxburgh, now deceased, granted Warrant for citing Margaret Liston, Spouse of the Reverend Walter Murray Nichol, lately residing in Portobello, and now in Edinburgh, and the said Reverend Walter Murray Nichol for his interest, Sophia Liston and Isabella Liston, both residing in Melrose, James Liston, residing in Rochester, in the State of New York, or elsewhere furth of Scotland, being the whole surviving Children of the late Wemyss Liston, Merchant in Edinburgh, and the late Agnes Knox, his Spouse, who was a Sister of the said Isabella Knox, and Peter Van Wyck Liston, Agnes Liston, Cornelius Liston, and Isabella Knox Liston, residing at Port Kennedy, Montgomery County, Pennsylvania, United States of America, or elsewhere furth of Scotland, Children of the late John Knox Liston, sometime residing near New York, in the United States of America, who was a Son of the said deceased Wemyss Liston and Agnes Knox, the successors of the said Isabella Knox, to appear in Court on the 8th day next after citation, if within Scotland, and on the twenty-first day next after citation, if furth of Scotland, to shew cause why sequestration of the estates of the said Isabella Knox should not be awarded.

ROBT. ANSLIE, W.S., Agent,  
14, Abercromby Place, Edinburgh.

**N**OTICE is Hereby Given, that the Sheriff of the County of Renfrew has, on considering a Petition by COLIN M'CALLUM, Grocer in Port-Glasgow, for Sequestration of the Estates of THOMAS ATKINSON, Steward and Provision Dealer in Port-Glasgow and Greenock, and residing in Port-Glasgow, granted Warrant for citing him to appear in Court at Greenock, within twenty-one days from the 6th day of August current, being the date of citation on said Petition, to shew cause why sequestration of his estates should not be awarded.

JAMES LADE, Writer, Port-Glasgow,  
Agent for the Petitioner.

Port-Glasgow, August 6, 1857.

SEQUESTRATION of JAMES HENDERSON,  
Shipowner, Dundee.

**E**BENEZER ERSKINE SCOTT, Accountant in Dundee, has been elected Trustee on the estate; and George Mackenzie, Accountant in Dundee, as Mandatary for George Clement Boase, Esquire, Cashier of the Dundee Bank, Alexander Buik, Ropemaker, Dundee, and William Thomson, Clothier, Dundee, have been elected Commissioners. The examination of the Bankrupt will take place in the Sheriff-Court-House, Dundee, on Wednesday the 12th day of August current, at 10 o'clock forenoon. The Creditors will meet in the British Hotel, Dundee, on Tuesday the 25th day of August current, at 12 o'clock noon.

A composition may be offered at this meeting; and to entitle Creditors to the first dividend, their oaths and grounds of debt must be lodged with the Trustee on or before the 20th day of November 1857, provided the time fixed for payment of the first dividend shall not be accelerated, or one month before the time fixed for payment of the first dividend, where such time shall be accelerated; and to entitle Creditors to any subsequent dividends, their oaths and grounds of debt must be lodged with the Trustee at least one month before the time fixed for payment thereof.

E. ERSKINE SCOTT, Trustee.

Dundee, August 5, 1857.

SEQUESTRATION of ALEXANDER DUFTON,  
Farmer, Cowie, in the Parish of Forgue and County of Aberdeen.

**F**RANCIS EDMOND, Advocate in Aberdeen, has been elected Trustee on the estate; and James Westland, Manager of the North of Scotland Banking Company, Aberdeen, has been elected Commissioner. The examination of the Bankrupt will take place in the Sheriff-Court-House at Aberdeen, on Monday the 17th day of August, at 12 o'clock noon. The Creditors will meet in the Royal Hotel, Union Street, Aberdeen, on Monday the 31st day of August, at 12 o'clock noon; and to entitle Creditors to the first dividend, their oaths and claims will require to be lodged in the hands of the Trustee on or before the 20th November next.

FRANCIS EDMOND, Trustee.

Aberdeen, August 5, 1857.

SEQUESTRATION of ROBERT HAYNES, some-  
time of No. 6, Symond's Inn, Chancery Lane, London,  
now residing at No. 10, South Hanover Street, Edin-  
burgh.

**J**OHAN RAE, Writer in Edinburgh, has been elected Trustee on the estate; and James Cunningham, Accountant, 103, Princes Street, Edinburgh, and James Glass Bertram, of No. 55, Thistle Street, Edinburgh, have been elected Commissioners. The examination of the Bankrupt will take place within the Sheriff-Court-House, County Buildings, Lawnmarket, Edinburgh, on Thursday the 13th day of August current, at 12 o'clock noon. The Creditors will meet in the Chambers of James Bell, S.S.C., No. 25, York Place, Edinburgh, on Friday the 21st day of August 1857, at three o'clock afternoon.

JOHN RAE, Trustee.

25, York Place,  
Edinburgh, August 6, 1857.

In the Sequestration of DAVID STEWART, Contractor and Shipowner in Dundee, in the County of Forfar, and Farmer at Mains of Inchtare, in the Parish of Inchtare, and County of Perth.

**N**OTICE is Hereby Given, that a special general meeting of the Creditors of the said David Stewart will be held within the British Hotel, Dundee, on Monday the 17th day of August current, at 12 o'clock noon, for the purpose of receiving a report by the Trustee in regard to the lease of the Farm of Mains of Inchtare, held by the Bankrupt, and the Stocking and Assets on said Farm, and of giving instructions thereanent.

WM. MYLES, Trustee.

Dundee, August 4, 1857.

SEQUESTRATION of GEORGE MILLER, Woollen  
Manufacturer, Boll Mill, Alva.

**N**OTICE is Hereby Given, that a meeting of the Creditors of the said George Miller will be held on Saturday the 15th day of August 1857, at 12 o'clock noon, within the Royal Oak Hotel, Alloa, to take into consideration, and dispose of an application by the Bankrupt for an allowance for sustenance.

D. MACWATT, Agent for the Trustee.

Alloa, August 4, 1857.

**W**ILLIAM MILLER, Engraver, Hope Park, Edinburgh, Trustee on the sequestrated estate of the Deceased JOSEPH MILLER, late Bookseller in Edinburgh, carrying on Business at the time of his death under the Firm of JOSEPH MILLER & COMPANY, Booksellers there, of which he was Sole Partner, as Partner, and as an Individual, hereby calls a general meeting of the Creditors within the Chambers of Wm. White Millar, S.S.C., 8, Bank Street, Edinburgh, on Monday the 31st day of August current, 1857, at 12 o'clock noon, to consider as to an application for the Trustee's discharge, there being no funds for division among the Creditors.

WM. MILLER, Trustee.

Edinburgh, August 5, 1857.

**R**OBERT CRAIG, Accountant in Glasgow, Trustee on the sequestrated estate of THOMAS HUTCHISON, Baker, No. 25, King Street, Tradeston, Glasgow, hereby intimates, that at the general meeting of Creditors held on the 3d current, and adjourned to the following day, the Bankrupt made an offer of composition of Three Shillings per pound upon all debts due by him at the date of his sequestration, payable on his discharge by the Court, and security for the same. The said Thomas Hutchison further offered to pay or provide for the whole expences of sequestration and the remuneration to the Trustee. That the Creditors present at said meeting having unanimously resolved that the offer and security should be entertained for consideration, Notice is hereby given, that another general meeting of Creditors will be held within the Chambers of Messrs Thomsons, Ritchie, & Craig, Accountants, 70, George Square, Glasgow, upon Wednesday the 26th day of August current, at 12 o'clock noon, for the purpose of finally deciding on the Bankrupt's offer and the security proposed.

ROBERT CRAIG, Trustee.

Glasgow, August 5, 1857.

**W**ILLIAM AULD, Accountant in Glasgow, Trustee on the sequestrated estate of DAVID LOW & COMPANY, Commission and Ship-store Merchants in Glasgow, and of David Low, Commission and Ship-store Merchant there, the sole Partner of said Company, hereby intimates, that an account of his intrusions with the funds of the estate, brought down to the 21st ultimo, has been audited and approved of by the Commissioners; that states of the funds recovered as at the same date, have been made up and examined by the Commissioners, in terms of the Statute; That he has examined the claims of the several Creditors who have lodged their oaths and grounds of debt on or before the 21st ultimo, and completed lists of those Creditors entitled to be ranked on the funds of the said estate, and also of those whose claims have been rejected in whole or in part. Further, that a first and final dividend will be paid to those Creditors whose claims have been admitted by the Trustee, at his Counting-House, No. 63, Saint Vincent Street, Glasgow, on Tuesday the 22d day of September next.—Of all which Notice is hereby given, in terms of the Statute.

WILLIAM AULD, Trustee.

Glasgow, August 4, 1857.

## NOTICE.

**A**NDREW WHYTE, Sewed Muslin Manufacturer in Glasgow, a Partner of the Firm of WHYTE & DICK, Sewed Muslin Manufacturers there, whose estates were sequestrated by the Lord Ordinary officiating on the Bills in the Court of Session on the 19th day of July 1855, in terms of the Acts 2d & 3d Victoria, cap. 41, and 16th & 17th Victoria, cap. 53, having, under and in terms of the 16th Section of the said Act last mentioned, presented a Petition to the Sheriff of Lanarkshire to be discharged of all debts and obligations contracted by him, as a Partner of said Firm of Whyte & Dick, and as an Individual, or for which he was liable at the date of the sequestration of the estates of said Firm,—the Sheriff-Substitute (Mr Steele) has pronounced the following Deliverance thereon:—'Glasgow, 5th August 1857.—Appoints the foregoing Petition to be intimated in the Edinburgh Gazette, in terms of the Statutes 2d & 3d Victoria, cap. 41, and 16th & 17th Victoria, cap. 53. (Signed) 'WILL STEELE.'

—Of all which Intimation is hereby given.

HOWIE &amp; LOCKHART, Writers,

14, Miller Street, Petitioner's Agents.

Glasgow, August 6, 1857.

SEQUESTRATION of WHYTE & DICK, Sewed Muslin Manufacturers in Glasgow, and of Andrew Whyte and Walter Dick, Sewed Muslin Manufacturers there, the Individual Partners of that Company, as Partners, and as Individuals.

NOTICE is Hereby Given, that the said Walter Dick has presented a Petition to the Sheriff of Lanarkshire for a discharge of all debts and obligations contracted by him, or the said Company of Whyte & Dick, and for which he was liable at the date of the sequestration: On which Petition the said Sheriff has pronounced a Deliverance, appointing intimation, in terms of the Statutes 2d & 3d Victoria, cap. 41, and 16th & 17th Victoria, cap. 53.

J. G. HOUSTOUN,  
Glasgow, August 6, 1857. Pror. for Petitioner.

DAVID MARTIN, Notary Public in Newton-Stewart, Trustee on the sequestrated estate of ROBERT YOUNG, Ironmonger in Newton-Stewart, hereby intimates, that an account of his intrusions with the funds of the estate, brought down to the 24th July last, and states of the funds recovered and of those outstanding as at the same date, have been made up and examined by the Commissioners on said estate, in terms of the Statute; that the Commissioners have postponed payment of a farther dividend till the recurrence of another statutory period, and dispensed with sending circulars to Creditors.—Of all which Notice is hereby given, in terms of the Statute.

DAVID MARTIN, Trustee.  
Newton-Stewart, August 5, 1857.

THE Trustee on the sequestrated estate of WILLIAM M'NAIR, Bookbinder, Argyll Street, Glasgow, hereby intimates, that the Commissioners have audited his accounts, postponed payment of a dividend till next statutory period, and dispensed with sending circulars to the Creditors.

WM. TOLMIE.  
Glasgow, August 6, 1857.

NOTICE is Hereby Given, in terms of the Act 4th Geo. IV, cap. 98, sec. 4, entitled 'An Act for the better granting of Confirmations in Scotland,' that John Low, residing in Montrose, has raised an Edict, and is to apply to the Commissary of Kincardineshire to be decerned and confirmed Executor-Creditor of the Deceased REVEREND ALEXANDER CROMBIE LOW, Minister of the Parish of Marykirk, Kincardineshire, and who died there insolvent on or about the 20th day of May last.

JOHN FALCONER, Agent.  
Stonehaven, July 31, 1857.

Glasgow, August 5, 1857.

THE Copartnership at present existing between the Subscribers, the sole Partners, under the Firm of the RENFREW SHIPPING COMPANY, is this day DISSOLVED by mutual consent.

The Subscriber, William Robertson, of No. 52, Nelson Street, Tradeston, Glasgow, is authorised to uplift all debts due to, and will pay those owing by the said Copartnership.

JOHN KINNIBURGH.  
WM. ROBERTSON.  
THOS. M'KENZIE.

GEORGE PHILLIPS, Witness.  
GEORGE BAIRD, Witness.

Edinburgh, August 7, 1857.

THE Firm of T. & N. BAILLIE, Provision Merchants, Victoria Street, Edinburgh, has been this day DISSOLVED by the Subscribers, the sole Partners, of mutual consent. The Subscriber, Nicol Baillie, is authorised to collect the outstanding debts, and will discharge all obligations due by the Firm.

THOMAS BAILLIE.  
NICHOL BAILLIE.

PAT. S. BEVERIDGE, S.S.C., Leith, Witness.  
FREDERICK A. JONES, Apprentice to the said Pat. S. Beveridge, Witness.

With reference to the above, Nicol Baillie begs to intimate that he will continue the Business in the same premises, and under the old Firm, on his own account.

NOTICE.

Cupar, August 1, 1857.

THE Subscriber having disposed of his interest in THE FIFESHIRE JOURNAL PROPRIETORY to Mr Samuel Robinson, ceased to have any interest in the Concern from this date.

DAV. PAGE.

W. A. TAYLOR, Writer, Cupar, Witness.  
J. S. FARMER, Clerk to the said W. A. Taylor, Witness.

Glasgow, August 4, 1857.

THE Subscriber, Andrew Small, retired from, and ceased to have any interest in the Company carrying on Business in Glasgow under the Firm of THE GOUROCK SAILWORK COMPANY, on the 1st day of November 1856.

ANDREW SMALL.

ALEX. RITCHIE, Witness.  
THO. CROSSIE, Witness.

Dollar, August 4, 1857.

I ROBERT BROWN, formerly of Edinburgh, now of Dollar, have ceased to be a Partner or Shareholder in The NORTH and SOUTH WALES BANK, Liverpool, having sold my whole Shares therein, prior to this date.

ROBERT BROWN.

ROBERT O. ARNOT, Writer, Alloa, Witness.  
WILLIAM OGILVIE, Bank Accountant, Dollar, Witness.

NOTICE

TO THE CREDITORS OF

SAMUEL ANDERSON EMERY, generally known as SAMUEL EMERY, Comedian, sometime of Chelsea, thereafter of No. 13, Clement's Inn, Strand, London, now of No. 10, George Street, Edinburgh.

THE said Samuel Anderson Emery presented a Petition to the Sheriff of the County of Edinburgh on the 6th day of August current, praying for decree of Cessio Bonorum in his favour, and for interim protection from the diligence of his Creditors: Upon which Petition the Sheriff-Substitute of the said County, of the same date, pronounced a deliverance, appointing the said Samuel Anderson Emery to appear before the Sheriff for examination, upon Tuesday the 8th day of September next, at 12 o'clock noon, within the Sheriff-Court-Room, County Buildings, Edinburgh, when his Creditors are required to attend,—all in terms of the Act 6 & 7 Gul. IV, cap. 56.

Chambers, 25, York Place,  
Edinburgh, August 7, 1857.

JAMES BELL, S.S.C.

*N.B.—The Fees of all Notices must be paid in advance, and all Letters post-paid.*

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\* \* \* This Gazette is filed at the Offices of the London and Dublin Gazette.

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