

## APPEAL—SWAN v. PEACOCK.

*Bankruptcy—Claim—Conjunct and Confident.* Claim by a sister of a bankrupt on his sequestrated estate, which held to entitle her to a ranking.

Counsel for Appellant—Mr F. W. Clark. Agent—Mr J. Y. Pullar, S.S.C.

Counsel for Respondent—Mr Watson. Agent—Mr James Buchanan, S.S.C.

This is an appeal by the trustee on the sequestrated estate of Walter Peacock, innkeeper, Lennoxton, against a delivrance of the Sheriff-Substitute of Stirlingshire. The trustee had refused to rank a claim made on the bankrupt's estate by Miss Anne Peacock, the bankrupt's sister, for £139. os. 3d., due by him to her. The Sheriff, on appeal, remitted to the trustee to rank her claim.

The claim of Miss Peacock arose out of an agreement entered into betwixt the bankrupt and his father and mother in 1857, whereby the latter agreed to relinquish and convey their business to their son, and the former agreed, in respect thereof, *inter alia*, to pay to his sister Anne the sum of £100 "as a suitable consideration for her bypast services in conducting the said business," payable at the expiry of five years, with interest. In payment of this obligation the bankrupt granted a bill to his sister on 8th July 1864. He was sequestrated on 22d August 1864.

The trustee appealed, and argued (1) that the bill was granted within sixty days of bankruptcy, and was therefore struck at by the Act 1866, c. 5, as a conveyance to a conjunct and confident person; (2) that the agreement could not be regarded, looking to its terms, as constituting an onerous obligation; and (3) that it was not sufficiently stamped.

The Court, without calling for a reply, adhered to the Sheriff's delivrance, and dismissed the appeal.

## ACT OF PARLIAMENT.

An Act to amend the Law relating to Contagious or Infectious Diseases in Cattle and other Animals. [20th February 1866.]

Whereas it is expedient to amend the law relating to contagious or infectious diseases in cattle and other animals:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act shall be cited for all purposes as "The Cattle Diseases Prevention Act, 1866."
2. This Act shall not apply to Ireland.
3. "Person" shall include a body of persons corporate or unincorporate:

"Cattle" shall mean bull, cow, ox, heifer, or calf:

"Animal" shall mean cattle as above defined, sheep, goats, and swine:

"Cattle Plague" shall mean the Rinderpest or disease commonly called the Cattle Plague

"Municipal Borough" or "Borough" shall mean any place for the time being subject to an Act passed in the Session holden in the Fifth and Sixth Years of the reign of King William the Fourth, Chapter Seventy-six, intitled "An Act to provide for the regulation of Municipal Corporations in England and Wales, which is not assessed to the county rate of any county by the justices of such county:

"County" shall not include a county of a city or county of a town, but shall include any riding, division, or parts of a county having a separate commission of the peace:

The liberty of St Albans, and the liberty of the Isle of Ely, and the soke of Peterborough, shall respectively be deemed to be separate counties, but all other liberties and franchises of counties shall be considered as forming part of

the county by which they are surrounded, or if partly surrounded by two or more counties, then as forming part of that county with which they have the longest common boundary:

"The Metropolis" shall include all parishes and places in which the Metropolitan Board of Works have power to levy a Main Drainage Rate:

Every place that is not, according to the foregoing definitions, a borough, a county, or a part of the metropolis, or is not separately mentioned in the Schedule hereunto annexed, shall be deemed to form part of the county, as hereinbefore defined, to the county rate of which it is assessed, or, if not so assessed, of the county within which it is situate.

4. For the purposes of this Act, "District," "Local Authority," "Local Rate" and "Clerk of Local Authority," shall respectively mean the places, bodies of persons, rate, and officer in the first Schedule hereto annexed in that behalf mentioned: Provided that within the City of London and the liberties thereof the Court of the Lord Mayor and Aldermen shall, for all the purposes of this Act, except that of making a rate, be deemed the local authority, but for the purpose of making a rate for the purposes of this Act the Metropolitan Board of Works shall be the local authority.

5. As soon as conveniently may be after the passing of this Act the Commissioners of Supply in every county in Scotland shall meet and nominate not less than four or more than fifteen of their number to act on the County Board for the purposes of this Act, and shall intimate to the Lord Lieutenant of the County and the Convener of the County the number and names of the persons so appointed; and the Lord Lieutenant, shall forthwith nominate an equal number of persons being tenants of agricultural subjects, valued in the valuation roll in force for the time at one hundred pounds a year or upwards, within such county, to act on the County Board, and shall intimate the names of the persons so nominated to the Convener of the County, and the persons so nominated by the Commissioners of Supply and Lord Lieutenant respectively, and also the said Lord Lieutenant, the Convener of the County, and the Sheriff of the County, or, in his absence, any of his substitutes within such county as he may direct, shall constitute the local authority; and so far as not otherwise provided by this Act such local authority shall have all the powers conferred on the local authority by this Act, and shall have power to elect a chairman, specify a quorum, and make all regulations necessary for carrying the purposes of this Act into effect.

6. Where the General or Quarter Sessions in any county do not stand adjourned to some day not later than seven days after the passing of this Act, such sessions shall notwithstanding be deemed, by virtue of this Act, to stand adjourned to Monday in the first week succeeding the week in which this Act passes.

7. The first meeting of the local authority in Scotland shall be held on a day to be fixed and notified by the Convener of the County, and the local authority may adjourn from time to time as they may think fit.

8. Any local authority may form one or more committee or committees, consisting wholly of its own members, or partly of its own members and partly of such other persons, being rated occupiers in the district, and qualified in such other manner as the local authority may determine, and may delegate to such committee all or any powers conferred on them by this Act, excepting the power to make a rate, and may from time to time revoke or alter any power so given to such committee.

A committee may elect a chairman of their meetings. If no such chairman is elected, or if the chairman elected is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting. A committee may meet and adjourn as they think proper. Every question at a meeting shall be determined by a majority of votes of the