



Reports of Cases Adjudicated in the Several Courts of the Commissioner in Bankruptcy; Under the Bankrupt Law Consolidation Act, 1849 [1849- 1852]

Great Britain. Court of Bankruptcy

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This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1851 edition. Excerpt: ...to Neale, who, it appears, actually resisted any proposition as to bankruptcy until he found the house closed on the Monday morning. The act of bankruptcy against him was permitting the house to remain closed; and, under the circumstances, it cannot be said that such an act can have any relation to the conversation which took place on Saturday evening in his absence. Moreover, the declaration of insolvency was not a complete act of bankruptcy till filed, and that did not take place till the Monday; so that it cannot be established that the firm became bankrupt till the latter day, although one of the partners resolved on bankruptcy previously; for such a determination by one partner will not bind the firm. In *Saeller v. Belcher*, and the case there cited, it had been agreed on by all the partners that the bank should not be re-opened. Assuming this deposit to be cash, it would pass to the assignees; and it appears by the receipt, as well as by the custom of dealing between the parties, that this deposit was intended to be taken to be cash to be accounted for on demand; and this takes the case out of the doctrine in *Wlzitmore v. Wells*; for there no receipt was given. It is true no entry was made in the bank books; but that is to be accounted for by the lateness of the hour, and the books having been closed for that day. To have made an entry after the books were balanced, would have created confusion. I do not think that any agency on the part of Johnson for the petitioners has been established. He acted only as he had been in the habit of doing on other occasions for the convenience of the petitioners, on Which occasions the deposits were considered as made in the regular way, and became immediately part of the funds belonging to the bank....

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