

LAW REPORT.

COURT OF MINES.

(Before his Honour Mr. Justice Molesworth,
Chief Judge.)

NEW COURT-HOUSE.—MONDAY, FEB. 19.

HUTCHISON V. EAK.

Special case stated by Mr. Orme, warden at Inglewood, for the opinion of the Court.

Mr. Helm for complainants ; Mr. Casey for respondents.

The complaint was by George Hutchinson and others that the defendants were in illegal possession of certain Crown lands on the Irwin Reef, Inglewood ; and the complainants wished to be put in possession of this land to the extent of 1,200ft. along the line of reef by 600ft. in width. It appeared that the two defendants had occupied 1,600ft. by 600ft. along the reef, under the provisions of the bye-laws of the Maryborough Mining Board. On the 4th September the defendants, without abandoning their claim under the bye-laws, marked out nine acres, for which they applied for a lease from the Governor in Council. These nine acres comprised the ground for which the present complaint was preferred. This summons was issued on the 5th September, was served on the 6th, and after an adjournment, was heard by the warden on the 19th October. The defendants contended that under sections 3 and 4 of the act 446, they could not be held to be in illegal occupation, as they had applied for a lease, and had made no default in prosecuting their application. The warden reserved for the opinion of the Court the question whether the application for a lease was a defence to the complaint.

His Honour reserved judgment.

The Court then adjourned.

INSOLVENT COURT.

MONDAY, FEB. 19.

(Before his Honour Judge Noel.)

RE JOHN COOPER.

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An examination was held in the estate of John Cooper, of Bundoora, farm manager. Mr. Braham appeared for the assignee, and Mr. A'Beckett for Mrs. Cooper, mother of the insolvent.

John Cooper, the insolvent, examined, said that on the 1st July, 1876, he sold his interest in a station in Queensland to his brother Henry for £1,500, payable in bills coming due year after year. He never received the bills when they were accepted, but drew them, and left them with Mr. Phillips to get them accepted by his brother. Did not think he ever asked Mr. Phillips for the bills. After he sold the share of the station he assigned the bills to his mother, the administratrix of his father's estate. The consideration for the assignment was £600 he borrowed about 11 years ago, when he first went to the station, and interest thereon. At the date of the assignment he owed £7,000 or £8,000, besides what he owed his father's estate. The sum of £4,000 out of the £7,000 or £8,000 was due to the Colonial Bank, and £900 to the Commercial Bank. He believed he was solvent when he assigned the bills. Before he sold the share of the station to his brother he agreed to sell it to Fletcher, and received Fletcher's bills, which he deposited with the Colonial Bank for collection, the proceeds to go to reduce his (witness's) overdraft at the bank. His overdraft, he believed, increased after he deposited Fletcher's bill with the bank. A writ was issued by the bank against his mother, and they were also suing him, and he therefore made over the bills to her to save her. When he gave a list of his debts and assets to the bank in 1874 he had forgotten his indebtedness to his father's estate, but he represented his share in the station as an asset. The sale to Fletcher fell through because his brother Henry would not accept Fletcher as a partner. His brother would not tell him whether he had accepted the bills or not, and said it was better he should not know whether he signed them or not. The bills were left at Phillips' for signature.

not know whether he signed them or not. The bills were left at Phillips' for signature. Never promised Mr. Greenlaw that he would hand the bills to the bank.

Jane Cooper, the mother of the last witness, deposed that the bills referred to by him were accepted by Henry Cooper in October last, and Hedderwick, her solicitor, had them now.

The examination then closed.

(Before Mr. R. H. Macdonnell, Chief Clerk.)

GENERAL MEETINGS.

In the estates of the following insolvents general meetings were held and closed:—George Tindal Gordon, of Carlton, draughtsman; Martin Roach, of Nagambie, farmer; John Blay, of Flemington, coach driver; Thomas Gibson, of Richmond, salesman; F. W. Wilmot, of Emerald-hill, writing clerk.