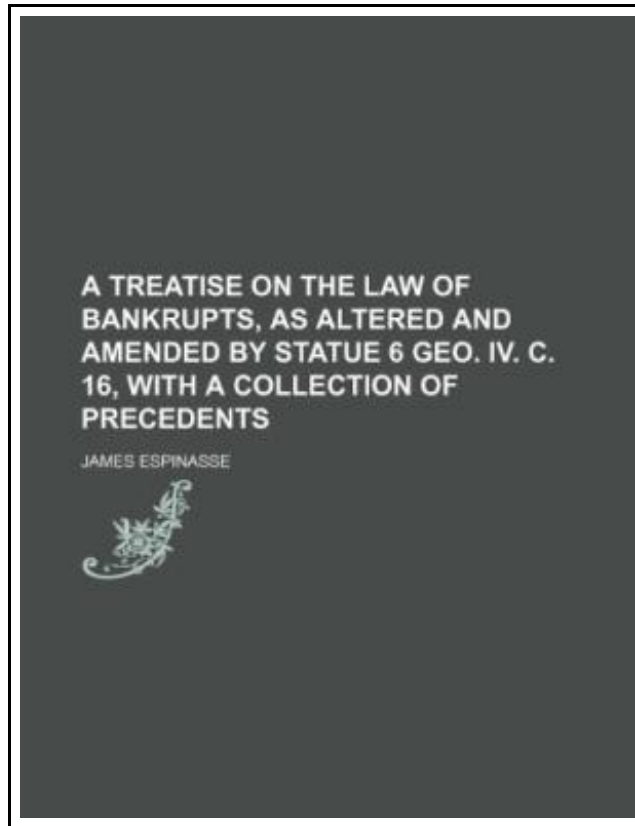


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Rarebooksclub.com, United States, 2012. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1825 Excerpt: .and which gave a power to the Lord Chancellor to make an order for an assignee to pay a dividend to a creditor; to that course the creditor is by this statute properly restricted. Where a creditor is compelled to petition for his dividend, the debt cannot be disputed (3), for the debt should be impeached by a separate petition, which should ba to expunge it. (4) And it is not sufficient that a petition to expunge it has been presented; the practice is then, to make an order for payment of the dividend, but to reserve the question of costs until the hearing of the petition to expunge it. (5) So the (1) Ex parte Kendal, 1 Rose,71. 17Ves. (3) Ex parte Loxley, Buck. 456. 514. (4) Ex parte Whiteside, 1 Rote, 319. (2) Brown v. Buller, Dougl. 407. (5) Ex parte Atkinson, 3 Vcs. B. 14. U assignees can shew no cause for the non-payment of a dividend, except what would have been a good answer for them at law, before the passing of the act. (1) The necessity of petitioning the Chancellor to order a dividend to a creditor, must therefore arise, in consequence of the assignees setting up some supposed legal reason for withholding it; this should be set out in the petition of the assignees to have the debt expunged, and the dividend withheld from the creditor who had proved it; but he proceeds at the hazard of being ordered to...



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