

Laws of Her Majesty's Province of Upper Canada, passed in the year 1850. Toronto: Stewart Derbshire & George Desbarats, 1850.

13 & 14 Victoria – Chapter 20

An Act to afford relief to Bankrupts in certain cases. 10th August, 1850.

Whereas great hardship and injustice have been suffered by persons against whom Commissions of Bankruptcy have heretofore issued in this Province from the refusal of their Certificates; And whereas it is expedient that the power of granting such Certificates should be solely vested in the Commissioners of Bankrupts, who should have power to grant the same in all cases where no fraud exists: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful to and for any person against whom a Commission of Bankruptcy has heretofore issued in Upper Canada, and who has not yet received his Certificate, to apply by Petition to the Judge or Commissioner of Bankrupts who shall have issued the Commission against such person, or to the Judge of the County Court, or Commissioner of Bankrupts in the County or United Counties where the said person shall now, or at the time of such application reside, for the allowance of his Certificate, and it shall in like manner be lawful to and for such person against whom a Commission of Bankruptcy has heretofore issued in Lower Canada, to apply for the allowance of his Certificate by Petition to the Judge of the Superior Court in the district where such person shall reside, in and to whom the powers and duties of a Commissioner of Bankrupts shall have been vested and assigned for the time being.

II. And be it enacted, That it shall be lawful for such Judge or Commissioner to appoint a public sitting for the allowance of such Certificate to such person (whereof, and of the purport whereof, twenty-one days' notice shall be given in manner to be directed by such Judge or Commissioner, and a copy of such notice shall be served on one of the Assignees or their Solicitor,) and at such sitting, any of the Creditors of such Bankrupt may be heard against the allowance of the Certificate, and the Judge or Commissioner shall consider any objection against allowing such Certificate, and either find the Bankrupt entitled thereto, and allow the same, or refuse or suspend the allowance thereof, or annex such conditions thereto as the justice of the case may require: Provided always, that the written consent of the creditors or of any of them as required by the Acts or either of them relating to Bankrupts heretofore in force in this Province, and specially continued by this Act, shall not be necessary for the allowance of the said Certificate, nor shall the omission or neglect by a Bankrupt to keep or produce the proper Books of Account mentioned in either of the said Acts, prevent his being deemed to have made a full discovery of his estate and effects, nor shall the want or non-production of such Books of Account prevent the allowance or justify the disallowance or non-confirmation of such Certificate: Provided also, that no Certificate shall be a Discharge, unless such, Judge or Commissioner shall, in writing under his hand and seal,

certify, to the proper Court of Review, that such Bankrupt has made a full discovery of his estate and effects, and in all things conformed as aforesaid, and that there does not, appear any reason to doubt the truth or fullness of such discovery; nor unless, the Bankrupt make oath, in writing, that such Certificate was obtained fairly and without fraud, nor unless the allowance of such Certificate shall, after such oath, be confirmed by the Court of Review, against which confirmation any of the Creditors of the Bankrupt may be heard before such Court; Provided always, that no such Certificate shall release or discharge any person who was partner with such Bankrupt at the time of his Bankruptcy, or was then jointly bound, or had made any joint contract with such Bankrupt.

III. And be it enacted, That the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to repeal an Ordinance of Lower Canada, intituled 'An Ordinance concerning Bankrupts and the administration and distribution of their estate and effects,' and to make provision for the same object throughout the Province of Canada,* and the Act amending the same, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to continue and amend the Bankrupt Laws now in force in this Province,* shall respectively be and remain in force until the first day of January one thousand eight hundred and fifty-one, and thence until the end of the then next Session of the Provincial Parliament, in so far only as relates to cases in which Commissions of Bankruptcy have issued, and to all rights, claims, liabilities or obligations, proceedings, matters or things arising out of or depending upon the same.

IV. And be it enacted, That the Interpretation Act shall apply to this Act.