

forthcoming July number. The question is, "*is a debt not included in the Schedule of debts attached to the assignment of an insolvent, under the law, discharged by his certificate of discharge or not?*"

I contend that it is not, and although I cannot at this time lay my hands upon any adjudged case it seems to me that every principle of law, and common sense, is against a contrary construction. The real object of the Bankrupt act, is to enable honest debtors to get a discharge, upon giving up all the property they have for the *benefit, and upon due notice to every creditor great and small*. Every creditor should have notice and by our insolvent act, as construed, every creditor has to be once notified at least. To bar a man of his debt without notice seems very unfair. Another object in having every creditor put in the list, is that no favouritism may be shown to one more than to another. If the insolvent can leave out of his list a creditor of say \$50, with impunity, so he can leave out with equal legality one having a claim of \$500. Supposing him to have an estate (a precious rare thing it is true) that will pay 5s. in the £, then certain preferred or included creditors are paid, and excluded ones get nothing. That your readers may know in what places in our insolvent law, reference is made to the necessity of giving a full list of creditors I mention the following, viz.; Section 2 of the act says "At such meetings he (the insolvent) "shall exhibit a statement showing the position of his affairs and particularly a schedule (form B) containing the names and residences of all his creditors." See also subsection 2 of section 2: subsection 16 of section 3: subsection 2 of section 5: subsection 6 of section 2: section 11."

The English Bankrupt act has a special clause as to the effect of the certificate of discharge, different from ours. It says "that after the discharge the Bankrupt shall not be sued for any *debt proveable* under the Bankruptcy." Our act only excludes certain specified debts of a trust nature, and I think supposes that all debts have been put in the Schedule! A debt to be *proveable* must be one acknowledged by the debtor or at least alluded to in his list. The Bankrupt act should be construed liberally for creditors whose rights are by it infringed on.

SCARBORO.

Toronto, July 15, 1867.

[Our correspondent has evidently thought over this subject carefully. Is there not some case in our own courts affecting the question? Our correspondent will perhaps look this up. —Eds. L. J.]

CANADA.

A PROCLAMATION.

For uniting the Provinces of Canada, Nova Scotia, and New Brunswick, into one Dominion, under the name of CANADA.

WHEREAS by an Act of Parliament, passed on the twenty-ninth day of March, one thousand eight hundred and sixty-seven, in the thirtieth year of Our reign, intituled: "An Act for the Union of Canada, Nova Scotia and New Brunswick, and the Government thereof and for purposes connected therewith;" after divers recitals, it is enacted, "that it shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honorable Privy Council, to declare, by Proclamation, that on and after a day therein appointed, not being more than six months after the passing of this Act, the Provinces of Canada, Nova Scotia and New Brunswick shall form and be One Dominion under the name of Canada, and on and after that day those Three Provinces shall form and be One Dominion under that name accordingly;" and it is thereby further enacted, "that Such Persons shall be first summoned to the Senate as the Queen by warrant, under Her Majesty's Royal Sign Manual, thinks fit to approve, and their names shall be inserted in the Queen's Proclamation of Union;" We, therefore, by and with the advice of Our Privy Council, have thought fit to issue this Our Royal Proclamation, and We do ordain, declare and command that on and after the first day of July, one thousand eight hundred and sixty-seven, the Provinces of Canada, Nova Scotia and New Brunswick shall form and be One Dominion under the name of Canada:

And We do further ordain and declare that the persons whose names are herein inserted and set forth are the persons of whom We have by Warrant under our Royal Sign Manual thought fit to approve as the persons who shall be first summoned to the Senate of Canada:

For the Province of Ontario.

John Hamilton.
Roderick Matheson.
John Ross.
Samuel Mills.
Benjamin Seymour.
Walter Hamilton Dickson.
James Shaw.
Adam Johnson Fergusson Blair.
Alexander Campbell.
David Christie.
James Cox Aikins.
David Reesor.
Elijah Leonard.
William MacMaster.
Asa Allworth Burnham.