

## APPOINTMENTS TO OFFICE.

fectly impartial and unbiased between insolvent and creditors. If the assignee is the paid agent, or rather the *pettifogging paid and unlicensed lawyer* of the insolvent, it is easy to be seen that he will use every means in his power to *slip his client through*, regardless of creditors! The Bankrupt act was passed to enable honest, but unfortunate men, who were willing to give up all their property, and who are not guilty of fraud, to obtain a discharge. A majority, I fear, in Canada who avail themselves of it, and not a few assignees who aid them in it, think that it was an act to white-wash debtors and to enable them to slip through its meshes, with as much property out of their hands, in trustees or corrupt agents possession, as possible. Many who go through do so honestly, but I verily believe, from a large observation of such things, that a majority of rogues get through, with large secreted funds. One of the essential requisites to a proper discharge of an insolvent, is the certificate of the assignee, that the insolvent has complied with all the provisions of the act, has attended all meetings, has filed a statement of his affairs on oath, fairly showing how he disposed of his property, &c.

This certificate, very improperly, is too often overlooked by judges. See *In re Wilson*, 9 L. T. N. S. 498; 12 W. R. 221; *Re Brooks*, 5 L. T. N. S. 727; Deacon's Law of Bankruptcy, 703-4. Now if the assignee has received his fee beforehand from the insolvent it is not his interest to see closely after such things. It is his interest, in league with his client, to publish his application for discharge, or other notices, in the cheapest and most obscure newspaper he can find, and having no *professional responsibility*, to get his client through, even if all is not right. And I believe yet that many an insolvent will find to his sorrow, that all his papers are not right.

And now as to the defects of the Act. I think it should be distinctly enacted, that if a man has once gone through the Insolvent Court he should not again go through without paying 10s. in the £; or some such clause should exist. It should be distinctly provided, that the insolvent should give personal notice, or at least through the post, to every creditor, of his last application for discharge. It seems this is not required of insolvents. I question the legality of this. It should be distinctly said that *no assignee should act as the agent of the*

insolvent under a penalty. It should be enacted that judges should have power to impose terms of costs on assignees, creditors, or insolvents for improper conduct, contempts or delays. It should be enacted that a creditor should have power to appeal against a judge's order of discharge at any time within, say, three months, upon filing security. The eight days now given is too short. It should be enacted that judges should have power to require the insolvent, under certain suspicious circumstances, to pay a certain rate in the £ to his creditors, and in the meantime the discharge to be suspended. It should be enacted distinctly (there is now some doubt on the subject) that the insolvent shall be discharged only from the debts or liabilities mentioned in his schedule of debts, which schedule should be in all cases appended to, and be legally considered, a necessary part of his assignment. It should be enacted that the insolvent should assign to an assignee in the county where he became insolvent. This clause would be only just to creditors.

I might allude to other defects but space will not admit.

SCARBORO.

Toronto, Feb. 20, 1868.

## APPOINTMENTS TO OFFICE.

## CLERK OF EXECUTIVE COUNCIL.

JOHN SHUTER SMITH, Esquire, to be Clerk of the Executive Council of the Province of Ontario, in the room and stead of Robert G. Dalton, Esquire, resigned. (Gazetted 1st February, 1868.)

## COUNTY ATTORNEY.

JULIUS POUSSETT BUCKE, of the City of Ottawa, Esquire, to be County Crown Attorney in and for the County of Lambton, in the room and stead of Timothy Blair Pardee, Esquire, resigned. (Gazetted 1st Feb., 1868.)

## DEPUTY CLERK OF THE CROWN.

SAMUEL REYNOLDS, Jun., Esquire, of the Town of Prescott, to be Deputy Clerk of the Crown and Pleas for the United Counties of Leeds and Grenville, in the room and place of W. H. Campbell, resigned. (Gazetted 8th February, 1868.)

## POLICE MAGISTRATES.

DONALD BETHUNE, Esquire, Q.C., Barrister-at-Law, to be Police Magistrate in and for the Town of Port Hope. (Gazetted 1st February, 1868.)

## NOTARIES PUBLIC.

JAMES F. MACKLEM, of the Village of Chippewa, Gentleman;

FRANCIS ALEXANDER HALL, of the Town of Perth, Gentleman;

JAMES FLEMING, of the Town of Brampton, Esquire, Barrister-at-Law, and

SAMUEL McCAMMON, of Gananoque, to be Notaries Public in and for the Province of Ontario. (Gazetted 1st February, 1868.)

## CORONERS.

JOHN D'EVELYN, of the Village of Woodbridge, Esquire, M.D., to be Associate Coroner in and for the County of York. (Gazetted 1st February, 1868.)