

was passed in 1542. Then, as now, it was found necessary to enact laws for protection against fraudulent traders. The next Act was passed in 1570 and applied only to traders, but provided penalties for the non-disclosure of assets. Neither of these Acts granted any relief to the debtor in the way of a discharge of liability, and although the law expressed in those Acts was modified by new statutes from time to time it was not until 1706 that the principle of granting a discharge to the debtor was introduced. The Act of 1706 provided that a debtor might with the consent of a specified majority of his creditors obtain from the Commissioners, who had the conduct of the bankruptcy proceedings, a certificate which when confirmed by the Lord Chancellor discharged his person and whatever property he might subsequently acquire from all debts which he owed at the time of his bankruptcy. Until 1831 the jurisdiction over bankruptcy estates was exercised either directly by the Lord Chancellor or by Commissioners appointed by him. In that year a Bankruptcy Court was established in England and continued until the jurisdiction was in 1883 transferred to the High Court and certain County Courts.

In Scotland, where a most simple and practical system of bankruptcy is now in operation, all insolvents were at one time called dyvours and were regarded as fraudulent debtors. In the beginning of the seventeenth century the unfortunate dyvour was clad in party-colored garment, one-half yellow and the other brown, and in this attire was exposed at intervals upon the public pillory. Although this practice long ago fell into disuse it was not abolished by law until 1836.

When the laws of England were introduced into Upper Canada in 1792, the laws respecting bankrupts were excepted, the Statute 32 George III., c. 1, s. 6, enacting: "Provided always and be it enacted by the authority aforesaid that nothing in this Act contained shall introduce any of the laws of England respecting bankrupts." After the union of Upper and Lower Canada, and in 1843, a Bankruptcy Act was enacted which granted a discharge to the debtor from all debts due by him at the date of