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No. 67.

3d Session, 3d Parliament, 13 Victoria, 1850.

BILL.

**An Act to afford relief to Bankrupts in
certain cases.**

**Received and Read a first time, Wednesday, 5th
June, 1850.**

Second Reading, Monday, 10th June, 1850.

Mr. SMITH, (of Durham).

TORONTO : PRINTED BY LOVELL AND GIBSON.

BILL.

An Act to afford relief to Bankrupts in certain cases.

WHEREAS great hardship and injustice have been suffered by persons against whom Commissions of Bankruptcy have heretofore issued, in Upper Canada, from the unwillingness of creditors to give the consent heretofore required for the allowance of 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, &c.

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 or her certificate, and 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 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 fulness 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.

Preamble.

Uncertificated Bankrupts in U. C. may apply to a Judge or Commissioner for a certificate.

Powers of Judge or Commissioner in such case.

Notice to the Assignees.

Proviso: Judge or Commissioner must certify certain facts.

And certificate must be confirmed by Court of Review.