

pose it had been doubtful whether this defendant's lands sold at a sheriff's sale would pay the debt, are we to declare that they cannot give time to their debtor, and so compel them against their own and their debtor's interest to sell his property?

We think here there was nothing to prevent this corporation from giving time, or from taking this covenant to protect its interests. The plea is no answer to the declaration, which disposes of both plea and replication."

DEBTOR AND CREDITOR.

The provisions of the proposed bankruptcy amendments in England have drawn forth considerable discussion as to the advisability or non-advisability of stringent provisions for the punishment of frauds and fraudulent concealment of property by debtors. We have often stated our opinion that some such enactment as that contained in what is popularly known as the "91st clause" is absolutely necessary for the proper and legitimate protection of the creditor, and when referring to the proposed alteration of the bankrupt laws in England, we noticed the apparent want of any sufficient means of punishing fraudulent and obstinate debtors.

Several of the leading English periodicals have taken the same view of the matter, and argue strongly in favor of the beneficial effect of some provision analogous to that which forms a part of our Division Court system. We publish in another place an article taken from a leading paper in England on this subject. It has the advantage of containing none of that clap-trap sentimentalism which has been too much the fashion of late years, and whilst it puts the case very strongly—much more so than we ever did—it cannot be denied that there are many truths contained in it, well worthy of consideration.

A certain class, or rather two classes of people in this country—one composed of honest and humane, but as we think one-ideaed and wrong-headed men, and the other of persons likely to be affected by the stringent provisions of the "91st clause"—by dint of much writing and talking, disproportioned to their actual numbers or intelligence, some years ago brought a considerable pressure to bear, by means of which an alteration was made in the then existing law. This was, as it appeared to us, an absurd alteration, and has been so far as we have been able to ascertain, a failure—and

it would seem necessarily so, for it simply had the effect of throwing a stumbling-block in the way of the creditor (who surely has a right to recover his debt, if it can be recovered), without affecting materially the position of the willing but insolvent debtor, who is, we are willing to admit, *next to the creditor*, entitled to protection; whilst, at the same time, the alteration admits the justice and propriety of the former enactment. The principle was in fact admitted, but the machinery for carrying it into effect was made more cumbrous and less effective.

A bill has been introduced this session, which has a bearing on this subject, and which it may be useful to notice. It is proposed to repeal section 172 of the Division Courts Act, which provides that no protection of any insolvent act shall be available to discharge any defendant from any order of commitment under the sections already referred to. At first sight this might seem a reasonable amendment, in view of the changes effected by the Insolvent Act; but upon further consideration may it not be said that it is in effect doing away with the beneficial operation of the clauses of the act which we are upholding. We venture to say that not in one case out of a thousand has an honest, *bona fide* insolvent debtor been imprisoned under these clauses, whilst as a means of punishing recklessly-dishonest or fraudulent debtors, the powers given by them are most useful. To use a simile brought to our minds by these warlike times—will not the repeal of section 172 take, as it were, the ball from the cartridge and leave it *blank*.

PROPOSED LEGISLATION.

We copy, for the information of our readers, the following bills introduced during the present session.

The following bill is introduced by Mr. Morris. If there should be a full discussion and a careful consideration of its provisions it may assist the legislature in forming a correct opinion on the important subject involved at a future time, but at present we do not think that it has been sufficiently considered, even in England, where so much has been said and written on the subject, or that there is as yet sufficient data to act upon.

An Act to prevent the execution in public of the Sentence of Death.

1. All executions of the sentence of death