

REVIEWS.

same position as the debtor would have been in if no assignment had been made ; and, as it is one of the fundamental principles of the administration of justice that those who are called upon to administer the law and decide the rights of parties should be entirely free from interest, we do not think the inspector of this estate was a proper person to preside as sheriff. The proceedings are irregular in the writ being directed to him, and it must be set aside.

Judgment accordingly.

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THE INSOLVENT ACT OF 1875, INCLUDING FULL NOTES TO EACH SECTION, TARIFF OF COSTS, INDEX, AND LIST OF CASES. By Hugh MacMahon, Esq., of Osgoode Hall, Barrister-at-law (London, Ontario). Toronto: Willing & Williamson. 1875.

It is a somewhat unusual circumstance to have placed before the profession an annotated edition of an act before the act itself comes into force. Editors and publishers usually content themselves by announcing with many flourishes that such and such a work is "in the press and will be issued shortly," meaning thereby that it will in the course of some months be in the hands of the printers, who will some months afterwards give it to the binder, &c., and in the meantime solicit orders for a book of unknown value. But here the first thing is to announce that the work is already done, and that, several weeks before the book is actually required ; so that purchasers can judge for themselves of the value of the work before ordering it. This is the true business-like way of doing things, and shews as well great industry on the part of the editor, and that he has not taken up a subject with which he is unfamiliar merely for the purpose of writing a book, as energy on the part of the publishers, and a confidence on their part that the work will sell on its own merits after examination.

We fully believe that it will stand the test ; for although in some particulars it shows the speed with which of necessity the work was done, the matter of it is so good and the arrangement of the information given so practical, that these minor matters might not occur to any one but a critic familiar with the

niceties of the difficult art of book-making.

The Act itself has been so voluminously discussed both in Parliament, where both political parties united in an endeavour to make it as perfect as possible, and by the lay press, that we do not propose to speak further on the subject. One thing is manifest, and that is, that it is more of a creditor's measure than a debtor's. The "poor creditor" proposes now to take his innings, the "poor debtor" having had, to use a slang expression, "a good time of it" for many years past. A little less recklessness on the part of small traders in buying and selling will be at the foundation of a more healthful state of things ; and this act will, in that respect at least, make them a little more careful to lay their troubles before their creditors at an early day, and before they have entirely dissipated the property which is in truth no longer their own.

Mr. MacMahon shews himself to be no superficial student of insolvency law. Over a thousand cases are referred to in the notes, and these are taken from a variety of sources, English and Ontario cases of course predominating, but there is also a careful selection from the Lower Canada and United States Reports. We should have been glad to have seen a few more of the authorities cited from the courts of the Maritime Provinces, as they often throw much valuable light on this law, and a few more decisions as to who are traders would have been desirable for those who cannot refer to the English authorities.

We strongly object to the practice of praising books by wholesale, which is so common in this country. Every *bona fide* effort to give valuable information to the public, or to collect and print information in a useful and convenient form, should be encouraged ; and this Mr. MacMahon has succeeded in doing with a promptitude that doubles the value of his work in one way, though in another way this promptitude has been prejudicial in causing some minor faults, which will doubtless be put right in a subsequent edition, which will in all probability be called for. For example : an occasional misapplication of *shall* and *will* (so common, by the way, that it is seldom noticed by the general reader) ;