this in mind, and remember that there were bankruptcy laws in force, long before any provision was embodied in them for a debtor's discharge, we should hear no more doubt expressed on the point now under discussion.

It will, we should think, be admitted on all hands that it is of the utmost importance, especially in the interest of inter-provincial trade, that the law on such a subject should be identical throughout the Dominion. It will also be admitted that in the majority of the provinces at any rate, the immediate enactment of such a law is absolutely necessary in the interest of the business community. The fact that the sense of the country is, as it is said to be, against the perpetuation of the discharge clauses of the insolvent law, no more deprives the law, purged of those clauses, of its character as an insolvency law than the repeal or amendment of any of the sections usually inserted in such a law, dealing with questions of preferential payments or assignments would deprive the law of that character. Under these circumstances it is of the first importance that all who are interested in securing this enactment, should join in insisting that the subject shall at once be dealt with by the only authority competent to deal with it. We have a sufficient number of questions of disputed jurisdiction pending now. Let us not add to them, one about which there ought not to be, and as we submit cannot be any reasonable doubt, under our constitution.

INSURANCE LITIGATION.

It is needful to remember that insurance companies have rights which the public and the law of the land are bound to respect. So usual a thing has it been of late for both the public and courts to find fault with fire insurance companies for resisting payment of claims upon technical grounds, that there is danger of this denunciation being carried too far.

A case in point is Wilby *vs.* the Standard Insurance Company, recently tried in the Queen's Bench Division of the Ontario High Court of Justice. In this case the fire policy contained in addition to the statutory conditions a condition to the effect that if the property were conveyed, or any transfer or change of title occurred, or if it were encumbered by mortgage without the consent of the company, or if the property should be levied upon under process of law, the policy should be void. It appeared that in answer to the question of whether the property was mortgaged, the applicant for insurance had disclosed a mortgage to the Freehold Loan and Savings' Company. There were at the time two mortgages in existence to that company. After the making of the policy a mortgage was given to secure endorsements, which was however subsequently discharged. Another was given by the plaintiff to his partner on the occasion of his retiring from the firm. Of neither of these mortgages was the company apprised.

Under these circumstances, the Court held that there had been a violation of the condition, and that the plaintiff could recover nothing from the company. It was also held that the condition in question, so far as it was applicable to the encumbrances referred to, was fair and reasonable. The fairness of that part of the condition which rendered the policy void, in case the property should be levied upon under process of law, was questioned, but it was held that even if that part were unreasonable, the other parts of the condition would still stand. The reasonableness of the condition, it will be understood, became important on account of the law in force in this Province, which allows fire insurance companies the benefit of any variations from the set of conditions fixed by the law, and known as statutory conditions, only in so far as such variations shall be adjudged reasonable by the Court before which the question may come for trial.

COMMERCIAL TRAVELLERS.

A convention of commercial travellers has been held at Cleveland, with a view of forming a national association of travelling salesmen for the United States. The difficulties placed, by state laws or municipal regulations, in the path of commercial salesmen, by the imposition of taxes or license fees, are doubtless one moving cause of the proposal to organize such an association. But the guild is numerous and important enough to have an association for the whole Union; and the wonder is that it has not been formed earlier. A prominent commercial journal, the New York *Bulletin*, believes in the project, seeing that the commercial traveller "is beset by many difficulties of a personal, social and business character that may be greatly lessened by an interchange of courtesies, by harmony of action, and especially by the power and influence of such an association for the removal of obstacles to business."

The system of selling by travellers is beset by another difficulty and a serious one. This is, the employment in that capacity of persons who are in no way qualified to fill the position, thus bringing discredit upon the whole system. The San Francisco *Grocer* perceives this and comments upon it: "Merchants in the interior, who are constantly visited by travelling salesmen, for the most part regard them with little favor, simply because so many are in no sense merchants, or creditable representatives of the mercantile community. If incapacity were all, or the worst charge which could be brought against them, there would be reason to hope that time would work a remedy. But when to this is added, in some instances, dissipation, immoral conduct, and even dishonesty—both in their relations to their employers and in their dealings with merchants who patronize them—it must be admitted the question of how to reach a remedy is a serious one."

"The wholesale merchants are not altogether blameless in this matter," continues the *Grocer*. "It is the duty of every merchant before placing a man on the road, to know something of his character and habits. He should realize that every act of the traveler reflects either credit or discredit on the firm, and should exercise even greater caution in selecting him than if he were to be an employee at home."

It has been well argued that to pay a salesman, be he a travelling one or a stay-at-home, a commission upon *sales* without reference to whether the goods he sold were paid for or not, or whether sold at a profit or no, is a mistake. It is an economic fallacy; it tends to render a salesman reckless as to profit or the financial status of the man he sells. On this point the *Country Merchant* considers that the salesman should be paid according to the work done, "and this cannot be more accurately and justly determined than by reference to the profit account. The salesman is in a sense doing business for himself. His employer furnishes the capital, guarantees the accounts, takes the risks of dishonesty and incapacity, but has no guarantee for himself whatever. The salesman on a salary with expenses paid has nothing at risk, and is not, and cannot be, in a position which stimulates him to that integrity in his dealings, economy in his expenditures, and that watchfulness of his opportunities which would govern him if his pay depended wholly on the net profits of his own business. It is obvious that a share of his profits is the correct basis on which salesmen should be employed."

Referring to the fact that not a few of the States require a license to be taken out, in some cases heavy and prohibitory, before a salesman from another State can display his samples or sell a dollar's worth of goods, the same journal says, "It is urged in defense of this, that these States require their own merchants to take out licenses, and the question is, why should outsiders be specially privileged? The answer is obvious. Every merchant is taxed for the expenses of his own State, county and town, and in some form or other he pays fully for the privilege or right of doing business. Any extra tax, therefore, for the territorial extension of the privilege is a discrimination of one State against another, which is clearly in conflict with the spirit, if not the letter, of the constitution." The regulation of commerce between States, it is plain, is the exclusive function of the General Government.

It is a fact not generally known that more than one-half of the States in the Union impose a tax of some kind upon the commercial traveller. Sometimes it is a State tax, sometimes a county or city tax, and sometimes both. In Pennsylvania, while there is no State tax, many of the counties require commercial travellers to take out a license, and in Philadelphia it is $300, with heavy penalties for failing to conform to the requirements. Maryland requires a license, as if a resident merchant, the tax being based upon value of stock. On $40,000 and upwards it is $150, and *pro rata* for other sums. South Carolina has no State law, but most of the cities impose a tax—Charleston, $10 a week; Columbia, $1 a day; Georgetown, $5 a day etc. In Georgia there is no State tax, but the cities require it. Atlanta exacts $100 a year; Athens, $10 a day, or $100 a year; Augusta, $3 a day, or $75 a year, and several others impose the same tax as upon residents. Louisiana imposes $25 a month, and the City of New Orleans imposes an additional tax of $10 a day, or $50 a year. Montana levies $55 per quarter for each county; Nevada, $25 per month