

THE INSOLVENCY BILL.

A JOINT deputation from the Boards of Trade of Toronto, Montreal and London waited on the Government on the 15th ult., to ask for the enactment of an insolvency law as a Government measure in the coming session of Parliament. The members of the deputation were as follows: Hugh Blain, first vice-president of Toronto Board of Trade; F. Wyld, Paul Campbell, S. Caldecott, E. R. C. Clarkson, D. E. Thompson, Q. C., and Edgar A. Wills, all of Toronto, and the following gentlemen from Montreal: E. B. Greenshields, James A. Cantlie, James Slossor, A. L. Kent, C. P. Hebert, J. B. McLean, J. B. Leavemont. The London Board of Trade sent the following delegates: M. Massuret, president, and Mr. Thomas. They were received by the following members of the Government: Sir John Thompson, Hon. G. E. Foster and Hon. A. R. Angers.

Mr. Greenshields made a long and able speech. The deputation represented, he said, all the business interests of Ontario and Quebec, where there was an almost unanimous sentiment in favor of a Dominion insolvency law. At present a distribution of assets act existed in only two provinces. They were simply insolvent acts under another name, and without any provision for discharge. There were no preferences under the laws of Quebec, but there were in Ontario, such as chattel mortgages and preferential judgments, which were first claims on the estate. A transfer of book debts, even when dated back several years, became a first lien on all the book debts, including those contracted since the execution of the transfer. Under the existing law in Ontario "A", debtor, may sell out to "B", and the sum realized may be handed over to "C", a creditor in the same town, to the detriment of other creditors. The maritime provinces were a hotbed of preferences. He gave several illustrations of the state of the law down there, which, he declared, was so unjust that it should not remain on the statute books. It might be said, he knew, that wholesale merchants should shorten their credits or sell for cash, and not make bad debts. That was almost impossible so long as they had to compete with the merchants of the world. The agents of British merchants came over and offered long credits and goods equally cheap and Canadian merchants had to offer equal terms. They looked to the wisdom of the Government to provide a way out of their difficulties.

Mr. Blain advanced the argument that it was not in keeping with the character of the confederation that there should be different laws in the different provinces discriminating in favor of local creditors. They would be loth to return to the insolvency law of 1875. There were serious defects in that law, and there was no doubt a feeling of relief when it was abandoned. He thought they could frame a law without these defects. With that object they had brought down a draft of a bill for the consideration of the Government. In framing it they had had the benefit of the great experience of Mr. Clarkson, as an assignee, of Mr. Thomson, who was generally acknowledged to be the most competent commercial lawyer in Toronto, of the opinions of Mr. Walker,

general manager of the Bank of Commerce, and the views of a number of merchants in the chief commercial centres.

Mr. Thomson explained the salient features of the bill. It proposed to apply the law to traders only. The Government have to consider the question as to whether the law would have to be made applicable to all classes, as it was in England, but upon that point they had nothing to say. Under the act of 1875 the assignee got things ready for liquidation before calling a meeting of the creditors. Instead of that the bill proposed the appointment of a guardian, who would usually be the sheriff in Ontario and the prothonotary of a court in Quebec, but in the case of large interests a special officer appointed by the Board of Trade, to whom every estate in the first instance must go. Such guardian would hold the assets until the creditors could be got together, and he was declared ineligible for the appointment as liquidator, leaving the creditors free to deal with that appointment, and thus removing one of the most serious objections of the act of 1875. In regard to the granting of a discharge, it was proposed to do away with compositions altogether. The liquidator was in every case to sell the assets, leaving the creditors, if they chose, to give him his discharge, but independently. As to the granting of a discharge by a court, it was not supposed that the Government would set up a bankruptcy court owing to the additional expense which for small estates in a young country would be unjustifiable, but it was felt that under the jurisdiction of the local courts there was no uniformity of practice, and a creditor was driven to go all over the country in the settlement of difficulties. It was thought that a particular court, say in Ontario, a division of the high court of justice, might be indicated for administering the law. It ought not to be regarded as a hardship on the debtor if he was to be relieved of the payment of his debts in full if he should be compelled to go to a forum convenient to his creditors instead of vice versa. Under the proposed bill there would be no official assignee. There would be a temporary guardian, and then a liquidator would be appointed by the creditors, but without the intervention of a court. They had a law in Ontario providing against preferences, but the legislature in dealing with this subject was hampered by the question of jurisdiction. For instance, they had never provided for discharge. Nor was there jurisdiction to seize on a man's assets and distribute them. It was true, as stated by Mr. Greenshields, that if a man could sell his assets for cash he could pay over that cash to one creditor alone to the exclusion of all others. In the proposed bill the discharge clause was practically as in the act of 1875, except that the grounds have been made a little more clearer, and it was proposed that if the debtor applied to the court direct without the consent of the creditors to put the onus upon him, whether it was opposed or not, showing a title, and that he had dealt fairly with his creditors.

Mr. Foster, in reply to the deputation, said: "We are very glad to hear your views, and I have no hesitation in promising, for Sir John Thompson and the rest of my colleagues, an examination of your bill, and a thorough consideration of the whole subject, and

if you will indicate to me within a few days the names of a small sub-committee of this deputation, if we should wish to consult you, then when the time comes we will call upon you for further explanations, either as to the principles or details of the bill."

Copies of the bill were left with the ministers.

The following members of the deputation were subsequently named as a committee to be at the call of the Finance Minister in promoting the measure: Messrs. Thompson, Greenshields, Blain and Kent.

MAGAZINES.

The January Overland appeared in Holiday colors, of cream and gold, with an entirely new cover design representing California, as on the official seal of the state, surrounded by a conventional design on which a medallion of the Overland Bear is prominent, and a grouping of characteristic Pacific coast flowers. The number contained stories and sketches appropriate to the season, among which is a thrilling Christmas story, illustrated, entitled *Brander's Wife*, by Flora Haines Loughland.

The piquant title of Mark Twain's new sketch in the January Century, "The £1,000,000 Bank-Note," is borne out by the no less piquant motive of the story, which is a wager between two Londoners that a man with nothing but a £1,000,000 bank-note could not live thirty days and keep out of jail. The story records the unique adventures of the man who tried the experiment. Other stories are the third of Miss Grace King's Louisiana "Baleony Stories," entitled "La Grande Demoiselle," in which the author sets forth an interesting type of New Orleans society, and a story of official life in Washington, entitled "The Reward of the Unrighteous," by George Grantham Bain, attractively illustrated by Wenzell. Add to these the second part of Mr. Bailester's western novel "Benefits Forgiven," the third part of Mrs. Burton Harrison's New York society story, "Sweet Bells Out of Tune," and it will be seen that the fiction of this number has much variety of scene and style.

The Journal of Political Economy is a new magazine emanating from the University Press of Chicago, of which D. C. Heath & Co. are the directors. The initial number appeared in December, and contains much solid matter. The opening article is an essay on the study of political economy in the United States.

A NEW FIRM.

Tait, Sons & Co., a corporation with a capital of \$150,000, has recently been organized to do a strictly copyright publishing business in America, and begins its career in artistically appointed offices over Brentano's, in Union Square, New York. It is the announced policy of this concern to publish only a high class of books, and it starts out with a very interesting list of new issues. The president of the company, Mr. J. Selwin Tait, is well known in literary circles, both in that city and in London, as an author and as a contributor to periodicals. The concern has secured as foreign literary adviser and reader, Mr. Edmond Gosse. The company has also engaged as its manager Mr. A. B. Yohn, formerly of Indianapolis, who has been actively engaged in the publishing and book selling business for more than 25 years.—N.Y. Sun.