

ment of justice" to secure the repose and happiness of the inhabitants of the colony, and the impossibility of effectually administering the laws from so great a distance, concludes that the King and his advisers "could not take a better resolution, than that of establishing a well-regulated justice and a grand council in the said country ; . . . causing the same form of justice, as far as possible, to be kept there as is administered in our kingdom." This Sovereign Council was enjoined to judge all matters "according to the laws and ordinances of our kingdom, and to proceed as far as possible in the form and manner which is practised and maintained in the seat of our Court of Parliament at Paris." Subsequent ordinances faithfully followed this precedent, and the "custom of Paris" became the foundation of French Canadian law. This custom, based in its turn on the Roman Civil Law, had always recognized that when a debtor had not wherewithal to meet his obligations in full, what he had should be fairly divided amongst those having claims upon him. It failed to recognize however any right of the insolvent on full surrender to a discharge from further liability.

But Quebec (then Lower Canada) takes first place on this subject among the Provinces, not only by reason of the greater liberality of its common law, but because it was the first to cover the whole ground by statutory provision. After the breaking out of the rebellion of 1837, the Imperial Parliament suspended the constitution of the colony, and vested the government thereof in a Special Council appointed by the Crown. One of the early enactments of this Council was an "Ordinance concerning bankrupts and the administration and distribution of their estates and effects." This ordinance was modelled on the English bankruptcy laws then in force, and