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ASSIGNMENTS BY INSOLVENTS.

It is generally conceded by the legal profession that R.S.O., c. 124, the Act respecting Assignments and Preferences by Insolvent Persons, and the amending Acts, are *ultra vires* of the Ontario Legislature, with the possible exception of sections 1 and 2, but it is by no means clear that even these are valid. Three of the four judges of the Court of Appeal have so held: *Clarkson* v. *Ontario Bank*, 15 A.R. 166; *Edgar* v. *Central Bank*, 15 A.R. 196; *Reg.* v. *County of Wellington*, 17 A.R. 421; *In re Assignments and Preferences Act*, s. 9, 20 A.R. 489. The necessary effect of the judgment of the Supreme Court in *Quirt* v. *The Queen*, 19 S.C.R. 510, seems to be to make this conclusion inevitable.

Assignments are no longer taken under it, and consequently it is necessary to carefully consider the position of a common law assignment.

The design of 54 Vict., c. 20, is to secure the *pro rata* distribution of the assets of insolvents, and for this reason it declares any other mode of distribution an unjust preference. It remains to be seen whether, having regard to its manifest purpose, and its close connection with the remainder of the Act which it amends, it can be judicially construed as anything else than what it is, viz., an insolvency law. In *Roach* v. *McLachlan*, 19 A.R. 500, Mr. Justice Osler follows this argument so far as to cast doubt on the Creditors' Relief Act itself, which, "*even if intra vires*, is but a crippled substitute for insolvent legislation." If the whole Act respecting Assignments and Preferences be *ultra*