stronger than that of many County Court Judges, as he looks upon a man who has voluntarily got into debt, and refuses to pay, as *primâ facie* dishonest. This is, we conceive, the correct view, and if imprisonment for non-payment of debts, or, more correctly, for disobeying an order of the Court for payment, were abolished, Mr. Cross' suggestion that the principle of the legislation against fraudulent debtors should be extended, would have to be adopted.

It is a favourite argument against imprisonment for debt, that it is punishing criminally the incapacity or refusal to perform a civil contract. For the purpose of promoting healthy trade, we question whether this is the right way of looking at the matter. To procure on credit goods for which we have not the means to pay is virtually obtaining them by false pretences, and a false pretence is punishable by imprisonment. We freely admit, on the other hand, that where the debtor is not the author of his own liability—where, for example, the goods have been ordered without his knowledge, and the first demand for payment comes in the form of a County Court summons, the hardship of imprisonment may be very great. We also admit that every precaution should be taken that a debtor should be informed personally of the intended proceedings before matters are put in train for commitment. Here, indeed, we arrive at the true grievance, and Mr. Cross deserves the greatest credit for being the only participator in the debate with sufficient sagacity or insight to perceive that it is in the administration of the law, and not in the law itself, that the evil is to be found. "If," he said, County Court Judges would confer together and frame rules by which to act in a more uniform manner, much of the alleged evil would be removed." It is certainly extraordinary that there has not been more concerted action amongst those gentlemen with a view to settling the practice. Strict proof should always be required that the original summons has reached the debtor before a judgment summons is granted, and particular care should be taken to ascertain that the goods were supplied with the knowledge or consent of the debtor. Some Judges have acted up to the extreme limit of *Jolly* v. *Rees* in relieving a husband from liability for goods supplied contrary to his orders. The liability being gone there is an end of all difficulty, but if the liability cannot be got rid of it is in the next place important that the debtor who has to bear a burden innocently contracted, so far as he is concerned should not be sent to prison for non-payment, as the element of fraudulent intent or conduct is altogether wanting.

The whole subject has now at any rate been thoroughly thought out. It is very improbable that we shall obtain any better evidence than that which was extracted by the select committee. We know the opinion of County Court Judges, and we think it is the fact that a considerable majority are of opinion that the restricted power of imprisonment which now exists is most salutary, and should be preserved. We know that many Judges regret that abolition of imprisonment for debt has gone the length it has, and would gladly see it restored, whilst the commercial community must feel that it has considerably altered their relations with the public. This doubtless raises the question whether legislation should impose difficulties on trade by rendering debts impossible of recovery. We are decidedly of opinion that it should not, and we think that Sir Henry James' grave social and economical questions should not be taken into consideration in deliberating upon the operation of our legal machinery. There is ample evidence that impending imprisonment forces the settlement of claims which otherwise would be absolutely ignored in a very large number of cases. The few cases of hardship of which we hear are hardly a satisfactory set-off against such a result, and we conceive that debtor and creditor should be left to the difficulties and perils which each at present incurs; and even on a balance of disadvantages, we believe it would be more detrimental to a working man to be deprived of credit than to suffer occasional imprisonment. — *Law Times.*