

such warrant not be granted unless on sufficient evidence of the debtor's intention to abscond. Now, it appears to us, that to show that a debtor is about to leave the country, is not sufficient reason for his arrest. He may have given up all his estate, and in the absence of a Bankrupt Law, or even with a Bankrupt Law, may be unable to obtain a settlement—unable to find a situation where his misfortunes or mismanagement, aided it may be by unfounded rumours, may have injured his reputation, he is surely more an object of pity than of punishment in seeking elsewhere to earn an honest living for his family, and striving to regain the good name that he has lost.

But the man who with a full hand, meditates fleeing his country to avoid payment of his honest debts, should be arrested without ceremony, not to be imprisoned without trial, but to be dealt with as a criminal, unless he consent to relinquish all his estate for the benefit of his creditors.

There can be no reason however in permitting the arrest of any man in removing from one county to another, or even from one Province to the other, and this latter, is very injurious to Montreal merchants, for the moment an Upper Canada trader is in arrears there, he is shut out from visiting their markets, and carries many a thousand dollars in cash to Boston and New York, which otherwise would have been spent in Montreal.

The Insolvency and Bankruptcy Laws of Upper Canada, or rather the absence of proper laws, and the existence of most objectionable ones, have been often discussed in this Journal, and from time to time we have pointed out the quarter from which example may be taken for their improvement. Man differs from the lower orders of creation in nothing so much as that while he has in common with other animals certain instincts inherent in his nature, which do not require education, his reasoning powers place him in a position of beneficially availing of the experience of those who have preceded him in the journey of life, an advantage which ought not to be lightly disregarded. We have formerly taken occasion to point out the Scotch system of bankruptcy, as worthy of imitation; and it lately appears that under the auspices of Lord Brougham and the Mercantile Law Amendment Society of England, many of its provisions are likely to be introduced as essential elements into a new Bankruptcy Code for England, on which action is already taken in the House of Lords.

If then, we Provincialists, have formerly copied from England with an *unsatisfactory result*, and England herself not finding satisfaction in her own system, is about to copy from Scotland,—it follows that in taking the Scotch Law for our Text Book, we go to the best known School on this the most important question which can affect the well being of a country, and it appears to us, as we are now in a position of initiating a law that our safest course would lay in taking the best acknowledged system as a substratum, and going over it, clause by clause, discuss wherein it is adapted to the exigencies of this Province, or wherein it is unworkable, adapting verbatim, what is found suitable, and rejecting or altering what is found to be unsuitable, interpolating throughout such additional provisions as may be found necessary. In this way, we would at least have certain well defined and thoroughly established principles to start from, and be less likely to be carried away by an overweening solicitude to provide for one part of a question,