

I can scarcely conclude without venturing a word or two upon the question of how far the recent decision of the Supreme Court in *Quirt v. The Queen** is affected by this last decision of the Privy Council. In that case, it will be remembered, the Supreme Court decided in favour of the validity of a Dominion Act, which, after reciting the insolvency of the Bank of Upper Canada, and that its assets were vested in trustees (as they were, by virtue of an assignment for the benefit of creditors, assumed to be made by the Bank in 1866), who had made but little progress in the settlement of its affairs, and that the Dominion of Canada was by far its largest creditor, and that it was in the interest of all persons concerned that provision should be made for the more speedy winding-up of its affairs, then vested in the Queen for the Dominion of Canada all the property and assets of the Bank, and transferred to Her Majesty all the powers of the trustees, and provided for the sale of the assets, the settlement of the claims of the creditors, and the disposal of the surplus. The Supreme Court arrived at this conclusion in favour of the validity of the Act by viewing it as an Insolvency Act, though relating only to a single institution. Upon the argument before the Privy Council in the recent case as to our Assignment for Creditors Act, Mr. Edward Blake said that he cared very little whether the Supreme Court were right or wrong in their decision, for that his whole argument was based on the proposition that the Dominion Parliament could exercise large powers, in part superseding provincial legislation, if effectual. But, for reasons clearly indicated by Burton, J.A., in the court below,† there would seem, I submit, to be great doubt whether the Supreme Court could now, in view of the decision of the Privy Council, hold that the Act was an Insolvency or Bankruptcy Act at all, unless, indeed, on the very peculiar ground that it was a proceeding *in invitum* against the debtor by the Dominion Parliament at the instigation of the Dominion Government as a creditor of the debtor. If, in the light of the present decision, the Act in question in *Quirt v. The Queen* could not now be regarded as an Insolvency Act at all, then, I submit, the decision in that case could not now be supported.

A. H. F. LEFROY.

*19 S.C.R. 510 (1891).

†20 A.R., at p. 496-8.