

gaol until he conform, or until the trial can be had, and there would be nothing illegal or unjust in this.—Eds. L. J.]

REVIEWS.

THE INSOLVENT ACT OF 1864, WITH NOTES, TOGETHER WITH THE RULES OF PRACTICE AND THE TARIFF OF FEES FOR LOWER CANADA. By the Hon. J. J. C. Abbott, Q. C., M.P.P. Quebec: Printed by George Desbarats and Malcolm Cameron, Printers to the Queen's Most Excellent Majesty, 1864.

We have to thank the editor of this useful and much needed manual for an early copy of it. He having been to a great extent the father of the Act, is perhaps, of all others, the best fitted to explain its provisions.

A good system of insolvency is, as we explained in our issue for September, when reviewing the Act, necessary in every mercantile community. Since then it has become more familiar to many of our readers. It is unnecessary therefore for us to recapitulate further what we then said. We have seen no reason to change the opinions which we then expressed.

The Act is now being subjected to the touchstone of experience. In our last issue we published three decisions as to the interpretation of some of its decisions. In this number we publish some additional decisions. No great difficulty has so far been felt in the endeavor to work out the Act. New measures, like new men, require time to beget the confidence of the public. The more we become acquainted with the details of the Act the better we shall like it.

Time was given by the Legislature to the Judges of the Superior Courts of Common Law and of the Court of Chancery in Upper Canada, or any five of them, of whom the Chief Justice of Upper Canada, or the Chancellor, or Chief Justice of the Common Pleas should be one, to frame and settle such forms, rules and regulations as should be necessary under the Act, and to fix and settle the costs, fees and charges to be paid to and collected by attorneys, solicitors, counsel and officers of the courts. Similar powers were given to the judges of the Superior Courts in Lower Canada. The judges of the Superior Courts of Lower Canada have, as appears from the publication before us, taken the lead of their professional brethren in Upper Canada: though we have reason to believe that the latter will not be long behind them. The Lower Canada Rules are embraced in four pages of the work before us. The tariff of fees are embraced in less than three pages. We are not in a position to pronounce an opinion either on the Rules or Tariff framed by the Judges of Lower Canada. Some of the fees however, we may mention, seem to be liberal, and worthy of acceptance by men of talent. Thus,

Attorney's fee, on behalf of plaintiff, for rendering proceedings to appointment of official assignee.....	\$30
Attorney's fee, if matter contested, additional.....	20
Counsel fee at enquiry.....	10
Attorney's fee on behalf of defendant, if not contested..	10
So on petitions in appeal,	
Attorney's fee for petitioner, if not contested.....	\$10
If contested.....	20
To attorney for respondent.....	15
Claimants attorney on claim.....	20
Contestants attorney.....	20
To applicant's attorney, if not contested.....	15
If contested with <i>enquete</i>	25
If contested with <i>enquete</i>	35

If the judges of Upper Canada desire to secure the support of leading men in the profession, in the carrying out of the

provisions of the act, they will not be less liberal than the judges of Lower Canada. It is to be hoped that they will not allow themselves to be guided by any analogy to County Court fees. In those courts the fees paid to counsel and attorneys bear no due proportion to the amount disbursed in a suit, and are in themselves contemptible. The labor performed is quite equal to that required in the Superior Courts. The skill required is quite as great, and the only fees allowed are not more than half what is allowed in the Superior Courts. The consequence is, that even successful litigants are often compelled to bear costs between attorney and client, which in reason and justice should be thrown upon their adversaries.

We do not quite approve of the system which has grown up in Canada, of throwing all sorts of work upon judges of Superior and Inferior jurisdiction. The judges, generally speaking, have more than enough to do in the performance of the duties which they are sworn to perform, without acting as scriveners to the legislature. It is usual in England, to employ skilled barristers for purpose of preparing general rules when required, in aid of a new system of bankruptcy, insolvency, or other branch of the administration of justice. It is usual also, liberally to pay the barristers for their responsible work. Here, the legislature is mean enough to throw the work without pay, upon overworked judges, all paid for work they are sworn to perform. We trust such legislative meanness will soon cease to exist in Canada. It is unworthy of our country.

The notes appended by Mr. Abbott to each section of the insolvency act, are copious, but of course much dependent upon the French laws of Lower Canada. This will have a tendency in some degree, to restrict the circulation of the book to Lower Canada. But while drawing copiously from the fountains of the French Civil Law, the editor has not been unmindful of the many currents of English cases, which serve to illustrate his argument and explain his text. The book is almost as useful in Upper as in Lower Canada, and unless some other and better work solely devoted to the working of the law in Upper Canada soon appear, we must cheerfully recommend it to the consideration and support of our readers.

The reputation of the author, both in the Legislature and at the bar in Lower Canada, is of itself sufficient to secure for his book a passport wherever his name is known; and with such materials as he had at command, Mr. Abbott has acquitted himself ably and well.

APPOINTMENTS TO OFFICE, &c.

VICE CHANCELLOR FOR UPPER CANADA.

The Honorable OLIVER MOWAT, Q.C., to be one of the Vice Chancellors in and for Upper Canada, in the room and stead of the Hon. James C. P. Eston, deceased. (Gazetted November 19, 1864.)

NOTARIES PUBLIC.

JAMES FREDERICK DENNISTOUN, of Peterborough, Esquire, Barrister-at-Law, to be a Notary Public in Upper Canada. (Gazetted November 19, 1864.)

WILLIAM HOPE, of Toronto, Esquire, to be a Notary Public in Upper Canada. (Gazetted December 3, 1864.)

JAMES PETER WOODS, of Stratford, Esquire, Barrister at-Law, to be a Notary Public in Upper Canada. (Gazetted December 3, 1864.)

WILLIAM HALPENNY, of Renfrew, Esquire, to be a Notary Public in Upper Canada. (Gazetted December 3, 1864.)

REGISTRAR.

JOHN MENZIES, Esquire, to be Registrar of the North Riding County of Lanark. (Gazetted December 3, 1864.)

TO CORRESPONDENTS.

"L. S."—Under "Division Courts."

"OBSERVER"—"O. KNOWLTON"—Under "General Correspondence."