insolvent, if in all cases a watch can be said to be a necessary and ordinary article of apparel. In this case the insolvent's estate will pay 20 cents in the dollar, and previous to his final collapse he compounded with his creditors for 60 cents in the dollar. Some eight months previous to the composition he became the purchaser of this watch, which he values at $150. Now was this watch such an article as in ordinary cases would be worn by a person in his condition? I think it is not reasonable that a man pecuniarily situated as he was, should have $150 invested in a watch. Neither is it shown that there was any necessity for his having a watch at all. Nothing more is urged than the usual convenience of a watch to any one. If this was a common inexpensive watch, I should feel disinclined to accede to this petition. But the words, necessary and ordinary, must be taken to have a relative signification. That is to say, this meaning must be governed by comparison and by circumstances. *Spitzen* v. *Chaffer*, 14 C.B., N.S., 714, shows that there is a substantial distinction between wearing apparel and necessary wearing apparel. In this case I feel myself compelled to look to the reasonableness of the thing, otherwise a man might, as I have said, invest a very large sum in a watch, or it might be in a diamond pin, or some such article, and claim to have the article exempted, thus opening the door to a fraud upon his creditors.

Eunbolf v. *Alfred*, 3 M & W., 249, is sufficient to show that the watch could not have been seized under an execution while on the person of the debtor, but that question is not important here, inasmuch as no seizure is in question. All that is asked for is an order for the insolvent to give up the watch. I think this order should under the 143rd section be allowed. The costs of the application to be paid out of the estate.

Order accordingly.

NOVA SCOTIA.

COUNTY COURT, YARMOUTH.

In Re Killam, Ex Parte.

Insolvent Acts—British North America Act—Local Legislation—Jurisdiction.

Held, That an attachment against the insolvent under the local Statute of Nova Scotia relating to "Absent or Absconding Debtors" duly registered does not bind his lands as against an attachment under the Insolvent Act of Canada subsequently registered, the judgment under the Nova Scotia Statute not having been obtained or registered until after the registry of the attachment under the Insolvent Act.

J. W. Bingay, for the Claimant.

Pelton, Q. C., for the Assignee.

Savary, Co. Judge. By the "British North America Act," sec. 91, sub-sec. 21, the power of legislation on the subject of Bankruptcy and Insolvency is exclusively assigned to the Dominion Parliament. By sec. 92, sub-sec. 13, authority to legislate respecting property and civil rights generally, exclusively belongs to the Local Legislature. When the Dominion Parliament legislates upon any subject exclusively assigned to it, all local and civil rights must be subordinate, and all civil laws may be over-ridden by it; and so, conversely, when the exclusive right to legislate on any particular subject is conferred on the Local Legislature, such right carries with it a right to deal with matters so far incidental to the subject as to make the regulation of them essential to the completeness and effectiveness of the legislation; and the Local Legislature may therefore make provisions for enforcing and carrying out their enactments, although in doing so, they may similarly invade the domain of the General Parliament as defined by the strict language of sec. 91 of the Act. For instance, it has been laid down that the breach of a Statute is indictable as a misdemeanor at common law: Russell on Cr. p. 46. Yet the Local Legislature may impose penalties of fine or imprisonment for a breach of its enactments, so that proceedings to enforce such enactments, may be to all intents and purposes criminal proceedings; yet it would clearly seem that such proceedings ought to be prescribed by the same legislative authority that creates the offence and is alone interested in its punishment. If the Local Legislature can impose a penalty, it ought clearly to and most assuredly does possess the power to define the mode in which and terms on which, that penalty is to be enforced or remitted, as its policy on that particular subject may seem to dictate; and all this although the criminal law including criminal procedure is exclusively assigned to the Dominion Parliament. Were it otherwise the powers assigned to the Local Legislature in police and municipal matters would be illusory, and repressive and prohibitory enactments within their jurisdiction would be at the mercy of hostile or obstructive legislation by the higher Parliament. Thus the Local Legislature in exercising its functions on some subjects would seem to trench on those of the Dominion Parliament respecting criminal law and procedure; and so, but much more clearly, the Dominion Parliament in legislating on Bankruptcy and Insolvency may, in carrying out its policy on these subjects, override any local enactments, and assert its paramount authority throughout the whole field of the law of property and civil rights.

Now it is easily perceived that there may be statutes of either legislature perfectly valid so