

PREFACE.

To attempt a comment upon an act which has never been in operation, in the absence of decisions to guide in its interpretation, and without the light of experience to display its defects or advantages, is a hazardous undertaking. In annotating the Insolvent Act of 1864, all these difficulties presented themselves; while the want of Rules to regulate the practice in Insolvency rendered the task more arduous and uncertain. Their absence, however, was an additional reason for endeavouring to explain the provisions of the Act.

It is presumed that each County Court Judge in Upper Canada will lay down and abide by certain rules for the guidance of himself, and the profession in his own Court. With a view to furnish suggestions upon this point, that may help us to arrive at some degree of uniformity in the practice, the Orders, promulgated by the Judges of the Superior Court in Lower Canada, have been printed in the Appendix.

It would be too much to expect that a statute, however carefully drawn, which introduces a new Court and Practice, and indirectly affects so many of the existing Laws, should be without many difficulties in its interpretation and application. In these notes attention has been drawn to some doubtful points, and efforts have been made, with the greatest diffidence, to explain others.