with the question of insolvency now, but such is not the fact.

Here we have repeated the preservation of the provisions of the Civil Code, respecting the privilege of landlords in Lower Canada, whereby five years' rent in arrears can be recovered in full, while in the other Provinces, the lien is limited to six months; the privilege of creditors who furnish groceries and provisions is also preserved. It is difficult to understand why a grocer or butcher should be on any better footing than one who has supplied clothes or fuel, and when it is considered that in Britain the Crown waives all privilege and ranks on insolvent estates ratably with other creditors, it looks like weak injustice to maintain class legislation, which cannot logically be defended when dealing broadly with a question which has for its object the putting of all creditors, as far as practicable, upon a common level. Why a landlord in the Province of Quebec, should be accorded privileges denied to the same class in every other Province would require the support of an unanswerable explanation, or the distinction ought to be expunged. The discrimination in favor of secured creditors in Lower Canada does not stop here: while in every other Province the assignee is empowered to sell the insolvent's interest in real estate, he is restrained from doing so in Quebec, and, upon pain of penalties to be visited on the general estate, must hand over the property to a mortgage creditor who will assume the prior mortgages, and give security that the estate will not be troubled by reason of those subsequent to his own mortgage. Should the creditors see any reason to hope for the realization of a surplus out of real estate which is mortgaged, the attempt can only be made by proceedings before the court and a sheriff's sale, thereby affording the mortgage creditors an opportunity to be vested with the property under a sheriff's title at the expense of the unsecured creditors. Not content with this, section 66 somewhat unobtrusively provides for the appropriation of the revenues of real estate to the benefit of the mortgage creditor, a right which is denied him by the common law, Quebec, so that the intention of this part of the Bill is all in the direction of injuring the unsecured creditors, in order to benefit those who are secured.

Another provision relating to real estate which is open to objection is that contained in section 70, which provides, by implication, for the creation of a lien on real estate by the registration of a judgment, provided that be done at least thirty days before the date of insolvency. No such lien is at present possible under the laws of Ontario, and it would be much more in harmony with the whole intention of a bankruptcy measure to declare that in Quebec, where the registration of a judgment binds lands, such registration should have no other or greater effect than a writ of execution, which confers no privilege at all. It certainly is an absurdity that the registration of a judgment should confer a privilege which a sale under an execution does not confer, and the anomaly ought to be removed. Section 72 provides for the valuation of the security of a partner for a debt due by his firm, but does not guard against the practice of evading this provision, by getting the individual to make the note, and his firm to endorse it. The delay involved in requiring a special meeting of creditors to authorize the sale of a stock in trade will often work injuriously. The inspectors ought surely to be competent to authorize such a sale. The frauds possible by effecting life insurances to a large amount which are removed beyond the recourse of creditors are left untouched in this Act. One is disposed to wish that the questions of Bills of Sale in the Maritime Provinces, and Chattel Mortgages and Dower in Ontario could be dealt with. Through the instrumentality of the two first many frauds are perpetrated, and under the law of Dower equal injustice is suffered, from the loss entailed by the investment of the funds of creditors in real estate, when, had the same sum been invested in personal property, no loss through dower would be incurred.

The provisions applicable to trustees are stringent beyond any heretofore in force, and it will be well if they do not defeat the object of the framers by deterring desirable men from accepting the office. No creditor who values his peace or well-being will ever be likely to become a trustee, in view of the suspicion which cannot well fail to attach to every such officer, by reason of the penalties with which the Act surrounds him, and it may be questioned whether the best men, who in the ordinary course, might be expected to perform the duties as a matter of business, will be prepared to do so, and face the slur which the Act itself casts upon the office. At a time when official assignees were thrust upon defenceless creditors, through the host of appointments made under the former insolvent laws, the penalties contained in the present Act might have been even insufficient for the protection of creditors, but, with the freedom of choice ensured by the proposed system, the best class of men would be more likely to desire the office if the status given them had something less of criminality so broadly suggested.

The mode of voting provided by section 91 is a repetition of the former erroneous system. That a disagreement between the majority in number and in value should result in one of the parties being condemned in costs, when neither can be said to be in fault—the defect being that of the law which erects no certain standard—is simply indefensible; so also is the penalty incurred by trustees who fail to apply for a discharge, when no provision is made for the payment of the costs by the estate. The necessity for restricting the right of the unpaid vendors in Quebec to destroy an estate by seizures appears to have been entirely overlooked.

On these and other points, which will readily suggest themselves to those familiar with the operation of insolvent laws, it is to be hoped unmistakable modifications will be made before the Bill is allowed to pass. The whole tenor of it suggests the necessity for the co-operation of able lawyers of large experience in insolvency, as well from the Maritime Provinces as from Ontario, to frame proper provisions to counteract the preferences that may legally be given under existing laws, so that any measure now enacted may be of the most general application. The exclusion of the claims of farmers from the operation of a discharge is a concession in the direction of class-legislation, which is unworthy of the principle sought to be established, and it will only result in mischief hereafter, by encouraging demands for similar concessions in favor of other classes of creditors.

The terms on which a discharge may be granted upon the consent of certain proportions in number and in value of the unsecured creditors will have the sanction of those interested in estates. It has at different times been suggested that the rural districts are averse to the enactment of an insolvent law, and that the representatives of these constituencies may make difficulty when the Bill is before Parliament. It is difficult to understand why opposition should be encountered from these districts; this is surely a mercantile question, on which the rural population can scarcely be regarded as authorities, and when it is considered that the amounts lost in country towns and villages by bankruptcies, may be fairly regarded as amounts contributed by the mercantile centres of trade it will at once be evident that the rural districts are the gainers by what the cities lose.