

*BILLS OF COSTS.*

To the Editor of the Legal News.

SIR,—Among the numerous reforms which are possible in our Quebec law practice it appears strange to me that perhaps the least difficult to effect has been overlooked. I refer to the inconvenience of having the whole bill of costs in a case attributed by the public to the advocate's profits. Would it be too much to suggest a simple order from the Prothonotary that the items of such bills be distributed under the headings "PAID FOR LAW STAMPS," "PAID TO BAILIFF," "PAID TO WITNESSES," "ATTORNEY'S FEES?" The English system is something of this kind, and one or two Montreal offices have their bills made on the same plan. L.

Montreal, August 24, 1883.

*THE ENGLISH BANKRUPTCY BILL.*

The London *Times* of Aug. 15th gives the following summary of the new law:—

"The measure will come into operation on the 1st of January next; and it is worth while taking notice of the chief changes which it will make. It starts from the principle that bankruptcy should not be made so easy and convenient a process as it is under the Act of 1869. It proposes to treat a man who cannot meet his debts, and who seeks to be discharged from them, very much in the same way in which an officer in the mercantile marine holding a certificate is treated if he lose his ship. There is to be in all cases an examination of the bankrupt, and, what is of still more consequence, the examination is to be of a public character. In many other ways, too, will the path of the debtor be made rougher than it is; but in saying that there is to be a public examination conducted in court, we have indicated one of the chief, if not the chief, of its features. Liquidations by arrangement, as now known, which are about five times as numerous as bankruptcies, will cease to exist; and though creditors may accept a composition or a scheme of arrangement, the approval of the court will be requisite to its validity, and if the terms of the scheme be not reasonable or calculated to benefit the general body of creditors, the court will have full discretion to refuse its approval. Another marked feature of the bill is the creation of a totally new officer, the official

receiver, who is to be appointed by the board of trade, and whose duty it will be to investigate the conduct of the debtor, to report to the court and the board of trade, and to take part, if necessary, in the public examination of a debtor. This official will also act as *interim* receiver of the debtor's estate pending the appointment of a trustee. A leading object of the measure is to put an end to the waste which has so long gone on with respect to bankrupts' estates; and a large part of the bill is directed to prevent frauds by trustees or the accumulation in their hands of sums properly belonging to creditors. If we were to describe briefly the spirit of the measure, we should say that it aimed at subjecting the debtor to a rigorous examination and the trustee to close supervision. The bill contains novel principles; but it is also a return to the much condemned system of officialism. It is, no doubt, a sincere attempt to grapple with great evils; and if, like so many other bankruptcy measures, it fails to satisfy expectation, general despair of doing much good by legislation will be the probable and even the reasonable result.

*GENERAL NOTES.*

The London *Times* has the following notice of the decision of the Court in the case of Canon Bernard:—"The Correctional Court of Tournai has acquitted Canon Bernard, who was prosecuted for having absconded to America with £200,000 belonging to a fund claimed by two bishops disputing the same see. We have published full reports of this curious trial, and it was evident from the first that the reverend defendant had done nothing to deserve punishment as a criminal. Monseigneur Dumont, Bishop of Tournai, having, in consequence of eccentric conduct, been deprived of his spiritualities by the Pope, chose to consider that this sentence was illegal, and committed his episcopal treasury to Canon Bernard, with orders to carry it beyond the reach of Monseigneur du Rousseaux, the new bishop. The canon bethought him of America as the country where he and the money would be safest, but before starting on his voyage he took care to consult an eminent lawyer, M. de Landtsheere, who was Minister of Justice in the last Catholic Administration. An Englishman who obtained a legal opinion from an ex-Lord Chancellor as to his discretionary powers over trust moneys would probably hold that in following such counsel's advice he was secure from criminal action; but the Belgian government, on behalf of Bishop du Rousseaux, applied for Canon Bernard's extradition, and that unfortunate clergyman had to give up his treasure, and was shut up in prison for thirteen months before being brought to trial."