

ENGLISH BANKRUPTCY AMENDMENTS.

DIARY FOR JUNE.

1. Friday New Trial Day Q.B.
2. Satur. Easter Term ends.
3. SUN... 1st Sunday after Trinity. Last day for notice of trial
4. Mon... Recorder's Court sits. [for County Court.
10. SUN... 2nd Sunday after Trinity. [for County Court.
11. Mon... St. Barnabas.
12. Tues... Quarter Sess. and County Ct. sittings in each Co.
17. SUN... 3rd Sunday after Trinity.
20. Wed... Ascension of Queen Victoria, 1837.
21. Thurs. Longest Day.
24. SUN... 4th Sunday after Trinity. St. John Baptist.
27. Thurs. Sittings Court of Error and Appeal.
30. Friday St. Peter.
30. Satur. Last day for Co. Cl. sn. to rev. Ass. Roll. Last d
for Co. Ct. to equalize Roll of Local Municipa

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Lord Westbury's reputation as a law reformer was partly built upon the efforts he expended in producing the English Bankruptcy law of 1861. It is said that during the few years of its operation, this Act has proved eminently unsatisfactory, being both tedious and costly. The law that is intended to take its place has come before Parliament, based upon the report of a select committee, laid before the House of Commons on the 21st of March, 1865.

The Attorney-General, in moving the second reading of the bill, traced the history of the law of bankruptcy from its introduction in the reign of Henry VIII., at which time and until 1705, it was highly penal in its character. At the latter period the principle of discharging bankrupts who conformed to the law was adopted. In 1825 a consolidation of the existing acts was attempted, and it was first provided that creditors might oppose the discharge. In 1831, alterations in the administration of the bankrupt law were made, a Court of Bankruptcy was established, and an official administration substituted for that of creditors. In 1844, a trader was allowed to make himself bankrupt. In 1849, an act was passed, by which a classification of certificates according to conduct was introduced, and the system of composition with creditors was enlarged. Then came the act of 1861, which abolished the distinction between non-traders and traders, and all were classed when the case arose

as bankrupts; greater power was given to creditors, as distinguished from official assignees; a criminal jurisdiction was given to the Bankruptcy Court, new mercantile offences were created, which were punishable by imprisonment, and the system of composition deeds was expanded.

This committee has adopted much that has been found most successful in the Bankruptcy law of Scotland, deeming it safer to imitate what has proved to be workable, than to recommend original but untried schemes.

Among those examined before the committee was Mr. G. A. Esson, accountant in bankruptcy in Scotland. Mr. Esson's office is the principal one in Scotland, connected with this branch of the law, and his opportunities for acquiring a knowledge of the advantages and defects of the much admired Scottish system have not been lost. For the information of members of Parliament and lawyers, Mr. Esson has thrown together in pamphlet form some valuable "Notes on Scotch Bankruptcy Law and Practice, with reference to the proposed amendment of the Bankruptcy law of England;" which pamphlet we have now before us, and from which we have obtained considerable information.

The English systems of bankruptcy law have never been introduced into the Scottish courts. The independent people of that country contented themselves with improving upon their old laws, and devised rules which seemed likely to meet the exigencies of modern trade. These new laws have worked so successfully, it is contended, in comparison with the English statute, that England is now importing in the main what Scotland has long adopted. The mode of paying the trustee, who occupies the place of the creditors' assignee, is new to English law. His remuneration is by a commission on the assets he realizes, the rate of which is not to be fixed until after his work is done. From among the creditors there are also to be selected two unpaid inspectors, to act as a committee of general superintendence and advice. When the debtor has passed his examination, he may apply for his discharge, provided he has paid 6s. 8d. in the pound. It is proposed, in cases where so much cannot be paid, to grant a discharge after the lapse of six years, if the court thinks fit. This seems a long period of probation, and one would think that