"Seats on the bench are amongst the prizes offered by political rings for uncompromising support; and it makes very little matter whether *rouge* or *bleu* be in the ascendant, the same principle is acted on by both parties, and generally judgeships are conferred, not on account of fitness for the office, but because it is necessary to provide for a member of the party in power. The system is radically bad; for in lieu of good lawyers, worn-out politicians are placed on the bench. If a man is a political failure, *presto* he is made judge; so that there is a very fair chance of the Bench becoming the recepticle for that favoured class of the community which, fifty years ago, in England, was said to monopolize the Church. Thanks to the system, the Bench of Quebec does not command the respect which is accorded to persons occupying judicial positions in other countries."

The writer of the above article then goes on to suggest a mode of appointment which would secure better men, very properly premising his observations by advocating an increase of salary to Judges. We give his views for what they are worth. We express no opinion as to the advisability of the course advocated: it is scarcely worth while to discuss it, there being no chance of the suggestion being carried out in these days. He says:

"In England it has been proposed to vest the right of nominating the judges in the Lord Chancellor and Chief Justices. Here it may perhaps be permitted to advocate a still greater departure from old principles.

"Who, may it be asked, have a greater interest in securing the appointment of a fit person to be a judge than the Bar and the Bench of the district within which such judge, after his appointment, is to act? Where can there be found persons better qualified to judge of a person's fitness for a seat upon the bench than those who plead against him and those who hear him plead, nearly every day of their lives. Taking, then, the opportunities possessed of judging fairly, considering also their interest in choosing the most fit and proper person for the office, it must be admitted that the Bar and the Bench of the district in which a man practises his profession, should be the best judges of his fitness for promotion to the bench."

## SELECTIONS.

### BANKRUPTCY LAW AND ADMINISTRATION

Bankruptcy is intended to do two things, to release the bankrupt from liability to arrest for his past debts, and to secure an equitable division of his assets among his creditors. The abolition of the law of arrest for debt, therefore, would not render a bankruptcy code unnecessary. A hasty or friendly creditor might still, by a timely execution, carry away all the assets for himself. Consequently, it seems impossible to get rid of a bankruptcy code as extinguished from the ordinary law of debtor and creditor, unless the legislature is firmly resolved to extinguish credit on its present scale. Accordingly, for a long time past, the principles of bankruptcy legislation have been universally agreed upon, both in the United States and in England. Mercantile men consider that, when a trader has met the unforeseen losses as, for instance, in the case of the Chicago fire, he should not be weighed down during his life by liability for his previous debts. Even where the calamity is not so entirely of the nature of an accident as in the case of the Chicago disaster, yet, traders, who can sympathize with trading ills and infirmities, believe that a speculator should get a bankruptcy discharge and release from debts, provided his losses do not indicate gross negligence or fraud. A practical test, accordingly, of sound and unsound trading was intended to be furnished by the bankruptcy act of 1867. By that statute a ruined trader is not, in most cases, aided in bankruptcy unless his assets realize 50 per cent of his liabilities.

Hard cases make bad laws. This is a very old but very solid saying. The statute referred to, for instance, will operate most severely in the case of the Chicago merchants. Indeed, this effect of the present law of bankruptcy is so obvious that Congress is certain to adopt some of the devices now mooted at Washington and elsewhere for the relief of the ruined traders of Chicago. The best way, perhaps, to act under the circumstances, is to pass a special statute for the Chicagose and to enact, also, a general statute which will not have quite such a hard and fast outline as the statute of 1867.

The most unpleasant part of bankruptcy, however, is the tediousness and expense of administering the assets. In England the cost has usually been 33 per cent on the total realized. In that country the battle between creditors and official assignees was fought out to the bitter end, until by the last bankruptcy statute the creditors' assignee triumphed. The first system adopted in that country was to administer the assets through the creditors. This was found to result in every fraudulent trader manufacturing a number of nominal creditors, who outvoted the *bona fide* creditors on every material point. This family council was knocked on the head by Lord Brougham in 1831. The bankruptcy act of that year,