a tribute to the memory of the late Master in Chambers, it may be observed that none of those judgments seem more closely to resemble, as well in the line of reasoning as in the final conclusion, the judgment which has now emanated from the Judicial Committee than does Mr. Dalton's judgment in *Union Bank* v. *Neville*.*

Again, it would be a still more useless proceeding to repeat the arguments which have been, or may be, advanced in favour of or against the conclusions at which the Privy Council have arrived; but it might, perhaps, be of interest to indicate in a few sentences the line of argument adopted by Sir Richard Webster against the constitutionality of section 9, and of the Act generally, and a careful study of a transcript from the shorthand notes of the argument, which I have had an opportunity of reading, may, perhaps, justify me in making the attempt.

Sir Richard Webster urged that, inasmuch as after Confederation the Dominion Parliament had enacted a complete system of bankruptcy and insolvency, which, though in part proceeding *in invitum* against the debtor, yet in other part proceeded upon the basis of a voluntary assignment by the debtor for the benefit of creditors, and in connection therewith contained provisions practically the same as those in the Ontario statute, it had thereby indicated what it regarded as a proper and complete system of bankruptcy and insolvency, and by repealing that system in 1880 it had, in like manner, indicated that its policy was that there should be no such system in operation in the Dominion. It was not, after that, competent, he argued, for the provinces to re-enact the provisions which had been based upon a voluntary assignment, and which were not merely ancillary to, but formed an integral part of, the whole system of bankruptcy and insolvency which the Dominion Parliament had seen fit to repeal. And he pointed out that, at all events, since before the reign of George IV., a general assignment for the benefit of creditors had been, under the Acts, an act of bankruptcy, so that it could not be disputed that there was a relation between conditions of bankruptcy and insolvency and such an assignment. Furthermore, he contended that if the other provisions of the Ontario Act were looked at, in which section 9 is included, and when the full and proper bearing of section 9 was appreciated, it would be

* 21 O.R. 152 (1891).