

trustee. The other underlying principle is—commercial morality. The dealings of an insolvent debtor with his estate are not matters which concern only him and his creditors; the community is also vitally interested therein. Therefore, the Act, while just and generous to the honest and unfortunate trader, penalizes the incompetent and dishonest and endeavours to protect the trading community from his incompetency and dishonesty.

*Debates of 1879 and 1880.*

The agitation for the repeal of the English Bankruptcy Act of 1869 synchronized then, as we have said, with the debates in the Canadian House of Commons on the same subject in 1879 and 1880.

In 1879 a resolution was proposed by the leader of the Government to refer three Bills which had been introduced in that session dealing with the question of insolvency legislation to a select committee, whose duty it should be to enquire into and consider all questions of insolvency and bankruptcy. On the debate on this resolution many speakers on both sides of the House strongly opposed the continuance of bankruptcy legislation, but the resolution to refer was, nevertheless, passed, and the Committee was appointed. Later in the same session they brought in their report and proposed the repeal of the old law and the enactment of a new Act. An amendment was moved to approve the report of the Committee in so far as it related to the repeal of the old Act, but not to enact any new law. Somewhat unexpectedly this amendment received an affirmative vote in the House, but was rejected in the Senate. Next year, however, a Bill to repeal the existing Act was again passed in the House, and this time it received the support of a majority in the Senate, and the Insolvent Act of 1875 was repealed.

Thenceforward creditors were compelled to protect themselves against one another by means of the more or less imperfect remedies provided by provincial enactments. Debtors had several courses open to them:—

1. They could leave the country.