

doubt left in the minds of practical business men that, rather than allow matters to remain as they are, it would be advisable to totally repeal the Insolvent Act, leaving cases of insolvency to be dealt with by the common law of the country, with all its attendant evils, unless such amendments can be provided as will lessen this great evil. Merchants, as a rule, are but too ready to extend every leniency to the customer who is unfortunate in business, except where great want of capacity is shown, when the sooner he is out of business the better for all concerned. A hint towards abrogating the Act would doubtless cause a precipitancy among dishonest dealers that would amount to almost a panic, but better such should occur than that they continue to drain the life-blood of the business community—than that the honest country dealer be entirely supplanted by a class of men who are honest only when it is the best policy. It is a strange fact that of the 1,758 failures in the Province of Ontario during the past two years, but few have been refused a discharge. There are a few exceptions to this in the Province of Quebec, chiefly in this city, but they are cases of the most glaring dishonesty. Those who fear for the working of the common law in cases of insolvency to the detriment of the unfortunate honest trader know but little of the practical side of the question, of the tendency on the part of merchants generally to a too favourable view of the circumstances of a customer calling for indulgence on their part; and as the Insolvent Act was originally framed with a view to the protection of honest insolvents, it is high time, now that it has outlived its usefulness and become the shield of dishonest dealers, to abrogate it altogether ere it be too late, and the commercial morality of the business community exist only in name."

He submitted that that opinion should receive the favourable consideration of the majority of the House, as it would that of a majority of the people. Recent statistics showed that since 1873 there had been 7,546 failures, with liabilities of upwards of \$100,000,000; the yearly average was 1,509 bankruptcies, with assets of \$20,000,000 per annum. In 1877 there was one insolvent for every thirty merchants. There was no other country which furnished such an example. Those facts were very damaging to the credit of Canada, and showed that our commercial morality was rapidly diminishing, and that the repeal of the Insolvent Act was required to prevent its further deterioration. He had often heard it stated that the large merchants desired the Insolvent Act. It was a law for merchants; if they wanted it, let it apply

to merchants alone. He saw no reason why farmers, professional men and mechanics, the great majority of the people, should be subject to class legislation merely to suit the convenience of large city merchants. Moreover, he failed to perceive what advantage those merchants gained by it, but, of course, they were the best judges; at all events they had no right to have a majority of the people as their victims, because experience demonstrated that large creditors always acted so as to secure themselves, while the balance of the estate went into the pockets of the assignee. Such was their experience of the operation of the Act in the Province of Quebec. He believed the voice of the people would be heard on this question at the next election, and that the great majority of candidates returned would be compelled to state before the people that they were opposed to the Insolvent Law, because it had proved to be ineffectual in its working and unjust towards them. Every day creditors failed on their own compositions, some had done it on two or three occasions, and were always sufficiently fortunate as to be honourably discharged. He would not longer address the House, because hon. members must have formed their opinions on the subject. Entertaining the views he had expressed, he was convinced that, as the law was ineffectual when it was first introduced, and was not now effective, the best course to adopt was to suspend the Act for at least two years as an experiment, because it had been proved that not only was the Act ineffectual, but it was also injurious to the majority of the people. He would conclude by citing the opinion of an English Judge, who recently defined bankruptcy as the case of a man who owes a lot of money and the lawyer and assignee divide the estate between them.

MR. WOOD said he regretted the hon. member for Richelieu should have seen fit to re-introduce this Session the Bill which was defeated last Session by a majority of two to one, and which should have proved a sufficient indication that the feeling of the House was still in favour of retaining the Insolvent Act on the Statute-book. The

MR. BARTHE.