

them to a proper limit. Any result, however, was better than the accumulation of law suits that would probably arise were we to go back to the old state of things. He felt he would be hardly doing his duty were he to give his vote in favor of repealing the law, at the present time. As respects the remark made by the hon. member for the Wellington Division, with regard to preferential assignments, he must say that it appeared strange to him that a stipulation bearing on that subject had not been incorporated into our law; and if the hon. gentleman would set to work to prepare something which would guard the creditors from his difficulty, he would find a large support. In fact, that hon. member would probably find himself, before he was done, re-enacting an Insolvency Law or something which would have the effect of conferring those benefits on the Commercial community, which there was little doubt the present enactment failed to confer.

Hon Mr. NORTHUP said that he thought it his duty as the only representative of the city of Halifax in the Senate, to make a few observations with reference to the measure under consideration. He must confess at the outset that they had received the measure in Nova Scotia under protest. One of the strongest arguments now in its favor was the fact that all the leading merchants, who made up the Chamber of Commerce of Halifax, had unanimously asked that the Act should not be repealed. As respects the rural districts of the province he had not heard any valid objections to its continuance on the statute book. He was ready to admit that it might be amended in several essential particulars—for instance, that no person should be allowed to put himself into insolvency. The old law of Nova Scotia was in many respects a harsh one—a person doing business could buy £500 of property, and a few days afterwards could hand it over to some friend, and the rest of the creditors could not get a cent. He did not wish to go back to the old condition of things which was injurious to the best interests of the whole commercial community. Those who were engaged in large business had to a great extent the power of preventing rash speculation by exercising more discrimination with respect to those who wish to buy from them. In his opinion it would not be wise to wait until a crisis was anticipated, to pass a Bankruptcy Law; it would only tend to hasten the very crisis which it was intended to meet. He was quite willing to benefit the honest debtor, and give him every oppor-

tunity of restoring his fortunes. He had known not a few cases of men who had failed and afterwards became benefactors of their country. Holding these opinions he must vote against the Bill which had been brought so ably to the consideration of the Senate by the hon. gentleman opposite. He did not believe in breaking down the law before we had something better to put in its place.

Hon. Mr. KAULBACK said that he had no hesitation whatever in saying that the present Insolvency Act did not tend to the benefit of the creditor as it ought to be the case. Its whole object was to give relief to Insolvents and to facilitate their release from their obligations. From his own knowledge as a professional man he considered the law has a tendency to demoralize honest traders and work to the advantage of those who are dishonest. He considered it changed the proper relations that should exist between debtor and creditor, giving the former a very decided advantage over the latter. Numerous law suits had arisen, he could say from experience, from the results of a measure which was so imperfect in its details. The effect of the law was to draw men into bankruptcy and create recklessness in the way of conducting business—in fact demoralize the whole community. The *Gazette* was now full of notices of assignments, and not one of them at the instance of the creditor, for when a man failed the creditor knew it was no use for him to move in the matter. If there was any part of the Dominion more prosperous than another it was the Province of Nova Scotia, and he hoped this law would be repealed and not allowed to continue on the statute book to the injury of the commercial interests and the commercial morality of the country. He believed if the present Bill was allowed to pass, the result would be to bring about the introduction of another law which would remedy existing evils and promote the commercial progress of the Dominion.

Hon. Mr. REESOR said that one reason of the difficulty of legislating on the question was the fact that there was little experience as to the proper mode of dealing with it at the time the present law was enacted. When the law was passed, it occupied the attention of the best legal minds, and subsequently the same legal talent was required to amend it. The fact appeared to be that while the law was very good in theory, it had failed in practice. The general expression from all parts of the country, in his opinion, was in favor of repealing the law. He believed that it was a very diffi-