

ing his liabilities. He could well understand that in the large commercial centres like Halifax and St. John, there might be particular reasons why the merchants and bankers might desire to retain the law; but he was speaking generally of the country districts, and was bound to say that its working has not been satisfactory so far as it had come within his own knowledge either in the mode of its administration or the effect of its operation. He knew a case of a railway contractor who owed a large sum to a great many persons—debts varying from one hundred dollars upwards—and by some mysterious process, some one, not one of the creditors in question, put him into the Bankruptcy Court in Cumberland County; and the result was an attachment which swept away the whole of his property and those debts remain unpaid up to the present time. He might be told that a meeting of the creditors could be called, but had they done so they would in all probability have been met by an overwhelming number of claimants, hundreds of miles distant, who would out-vote them. Practically it was in the power of any person and his friends to prevent those poor men from taking any steps to obtain payment for their honest claims. He was very much afraid that such a law could never carry out the real object which it was intended to accomplish—an equal division among all the creditors. It had passed into a proverb in the United States that a man can never get rich until he has failed several times—such was the effect of the present law in practice. It had been said that one of the guiding principles of a bankruptcy law should be to enable an unfortunate debtor to get relieved. He believed the present law could only lead to rash speculation, to a species of gambling. The debtor was enabled to say to his creditor “heads I win, tails you lose,” because if he succeeded he pocketed the gains; if he lost he went scot free. It did not accomplish the object of a proper division of the property; it served rather to enable the debtor to get relieved of his debts in the easiest way possible with very little reference to the interests of the creditor. The bill before the House proposed to repeal the existing laws, but it went still further, it prevented the revival of those laws which were heretofore in force in the different provinces. If it were to pass it would leave Nova Scotia without any Insolvency Law at all as regards traders. Whilst there was imprisonment for debt in that province, it would be in the power of an exacting creditor to put a man into jail and keep him there

should the law pass in its present form. Therefore he was not willing to see the bill pass without amendment; he would consent to its second reading, and then he would propose in committee either that Nova Scotia should be exempt, or that the laws repealed by the Bankrupt Law of 1869 shall be revived. Although the law would expire in the course of fifteen months, yet it was best to repeal it at a time when probably more people than ever before would hasten to avail themselves of its provisions. When it died a natural death it would certainly be “unwept, unhonored and unused.”

Hon. Mr. McCLELLAN said that he had no very strong opinions on the subject one way or the other. He found, however, that petitions had been sent from Montreal, Toronto, Quebec, St. John and Halifax—the great commercial centres of the Dominion—against any interference with the law now on the statute book. The hon. member for Cumberland had stated that he was not accustomed to practise in the Bankruptcy Court, and certainly had he greater experience of the working of the law he would hardly have said so much against it. He (Mr. McL.) had some experience of the statute, and, indeed, had lost a considerable sum of money by a person who had availed himself of its provisions, but still he had felt it was an honourable discharge and he ought not to oppose it; for he was of the opinion that any man who pursued his business in a proper way, and failed through misfortune, ought not to be kept under the control of creditors who may be very exacting and harsh, if not rapacious, under all the circumstances he believed a bankruptcy law was necessary to a country engaged in commerce. The only difficulty had been to frame such a law as will meet the interests and necessities of the country. With respect to New Brunswick, he mentioned that the laws formerly passed there had been enacted for the most part to meet cases of great individual hardship, and they were hardly intended to have a general application. One objection taken to the Insolvency Act was the large expense it entailed—that the charges were so really so excessive that the property was largely depreciated before the creditors got anything, and that, on the whole, the Assignees were the parties chiefly benefitted; but that had not been his experience. It appeared to him that the costs attending a bankruptcy case are a fair subject for examination by the judge who gives the final discharge; and if they were excessive there was a mode of reducing