

## REPEALING THE INSOLVENT ACT.

The Government organs now announce plainly the intention to permit the total repeal of the Insolvent Act; yet merchants and traders still are dumb, quiescent, doubtless laying the flattering unction to their souls, that law, by doing away with the Insolvent Act, can also do away with insolvency. Verily, faith in the power of governments, especially representative governments, is on the increase, and men who can believe that to enact a law expressly devised to control an existing evil, and then, by withdrawing the law remove also the evil, will live to believe that to destroy the shadow extinguishes the substance.

It has been advanced as an argument in favour of the abolition of this Act that it will raise our National credit by showing the Nations who trust us how determined we are to be honest and successful; so confident we are in our own powers and capacities that we have made up our minds to know no such word as "fail," or that we are leading a forlorn hope, and conscious of the danger of panic have roused the courage of despair by cutting off all possibility of retreat. Were we really in earnest in either of these views, we would only, in the one case, earn the reputation of self-conceited folly or blindness to certain disaster, and in the other, would well deserve the imputation of enforcing, by necessity of law, a criminal trade recklessness.

But we are not sincere in either of these aims. Judging by the utterances of the party organs, and the silence of the opposition, we do not mean really to do away with the Insolvent Act, but merely to seem to do so—to change its form into various Provincial legislative enactments regarding "distribution of assets." Therefore to prate of virtue in the matter is merely drawing needless attention to our unblushing hypocrisy. It is only fair to state, however, that this defence for repeal is set up only by a few. The mass of our people, and our legislators, mean business. They think they see their way to a practical advantage in the general scramble of each man for himself which will eventually follow the abolition of the law, when the next cycle of "dull times" comes round, and disaster can no longer be concealed even by fraudulent means. Each one of us, it will be observed, entertains full confidence in his own individual ability to win in the game of "grab."

If merchants do not already perceive the serious error they have committed by their inattention to political issues, the abolition of this Insolvent Act will do much to open their eyes. It is not altogether commercial prudence and foresight—at least it is not the highest kind of it—which prompts a merchant stolidly to attend to his own business or investments, and do his duty to the State by voting for his pet lawyer to represent his views in Parliament. The pet lawyer must live. Law is his profession. Short, simple, directly effective, special Acts, treating of insolvency, or any other business matter, are not a desideratum to the profession. The pet lawyer does not desire to sink only to the level of a friend. He aspires to the higher dignity of legal adviser as well. How attain that position if there be nothing to advise about? Merchants will find, soon after this Insolvent Act is snuffed out (if Canadian history be destined ever to chronicle such an event), that Provincial enactments anent the distribution of assets will call for much legal lore, combined with business acumen, to interpret them. The Insolvent Act of 1865 certainly favoured the debtor; but the abolition of any discharge in insolvency and the inevitable variation of methods of distribution of assets in each Province, will open up a much wider field of enterprise to the dishonest and unscrupulous trader. If the intelligence adapted to ingenious business theft has been largely developed by the present and preceding Insolvent Acts, as some aver that it has, it will find wonderful scope in this Provincial dissection of common law. With six Provinces to work on, and a different law in each, the defrauded merchant will find it extremely difficult, even with the aid of a pet lawyer, to follow and define "assets" which have already possibly been ingeniously "distributed" over the whole six; and even should praiseworthy effort be eventually rewarded with complete success, he may probably find the process fatiguing, and somewhat costly in time and money. Of course the creditor will gain occasionally, always with the help of his lawyer and the consent of the debtor, in securing himself against a too rigid distribution by obtaining securities of properties held in a different Province from that in which the debtor and creditor have their "local habitation and their name," for it will be somewhat difficult to enact laws of distribution for each Province which will exactly dovetail into each other in every conceivable case, and the weak spots in these Acts will be quickly discovered and used by those more ingenious than ingenuous. However confident a wholesale merchant may be in his own acumen, or the legal shrewdness of his adviser, he can hardly hope always to conquer in the strife. Nor need he flatter himself that, even admitting he is unable to do more than hold his own with others, he will lose no more than he would by an Insolvent Act, because while he loses all in one case, he will gain all in another, for that is a delusion. Anything that tends to demoralize the honour and integrity which must ever be the basis of sound trade under the credit system, or reduces the collecting of debts to a matter of sharp practice between creditor and debtor, can hardly result well to

the man who has anything to lose. It is decidedly in favour of the man who has everything to gain, if the moral standard of each be on the same level.

If this benighted land of ours is determined experimentally to test the truth or falsehood of this line of reasoning, it is well that it should be left to the gentle teaching of its self-chosen teacher, experience.

## A LUCKY ESCAPE.

The nation has been relieved from profound grief. The two sons of the Prince of Wales, the Princes who are heirs to the throne of England, were said to have been tattooed on their noses with anchors or broad-arrows, and so disfigured for life. It was most touching—most distressing. There was something so awful in the idea of a monarch of a civilized State with a nose adorned with a device in gunpowder, that the national heart sank overwhelmed at the bare contemplation of the catastrophe. And the worst of it was that the emblem of Hope—worse still, that of Government property—was not to be eradicated. "Not poppy, nor mandragora, nor all the drowsy syrups of the world," not all the resources of modern laboratory, nor the expedients of experimental science, could remove the indelible disgrace or avert this national calamity.

The rumour has happily been contradicted. Else our only consolation was that the loyalty of the nation is so great that it is quite capable of adopting the disfigurement as a fashion, so that the appearance presented by the Princes might no longer be regarded as a singularity. If we all adopted blue anchors or broad-arrows on our noses, it would have the effect of a national peculiarity, and so far from being ashamed of it we might rejoice and be glad in it as a distinction. It might, it was felt, be possible even to pass an Act of Parliament making it compulsory, like vaccination. It would be possible, under the Act to extend it to the colonies. Whether Ireland should be included, would become a burning question,—as everything about Ireland does become a burning question—and I can imagine a request to accede to the proposition being cited as another wrong to that "most distressful country." Here, then, was a way out of the difficulty into which the nation has been plunged, and there is no want of precedent to support it. People have gone to even greater lengths, and some of the most popular and enduring fashions have owed their origin to less defensible modes of flattering adopted by countries and those who follow their lead.

The ancients, who are thought by some to have enjoyed a monopoly of wisdom, and who certainly compensated for that "ha'porth of bread" by an intolerable quantity of folly, set us the example of toadying to princes, even to the extent of copying their defects and mimicking their deformities. Thus, it is said that Alexander the Great had one shoulder higher than the other, and that his courtiers used to affect the imperfection as a mode of flattery. The story is a little open to suspicion, because we must recollect that in England we have had a monarch with the same peculiarity; but it is difficult to believe that any courtier would have found special favour in the eyes of Richard III. by limping about the place shrugging one shoulder and wearing a false hump. Much more likely that he would have made speedy acquaintance with the "lowest dungeon beneath the castle moat," or would have had no head left toward which the offending shoulder could be shrugged.

The modern form of Court flattery has been that of imitating the expedients by which Princes endeavoured to conceal their defects. Thus, the fact that a king of France had no beard set all Europe shaving for a century or more, and gave the manhood of every country that semblance of effeminacy which, lost for awhile after the Crimean war, is again affected. It is, however, only fair to say that shaving had prevailed before at sundry times and with divers nations, and that the extreme folly of the thing consisted in the fact that for so long a period it was actually forced upon society as a test of respectability. No man dared to wear a beard; the fact of his doing so caused him to be shunned by his friends, scouted by society, and hooted at on the streets. It was in vain that he pleaded that God had given him a beard to serve some of the most useful purposes in preserving health. It made the matter worse if he pointed out that the traditional portrait of the founder of Christianity was bearded, and that all the great men during centuries not only wore the beard, but rejoiced in it as something manly and becoming. Fashion was too strong for everybody. It would not tolerate even a moustache; indeed, the wearing of one was the greatest offence known to the social law. The prejudice against this still survives among fatuous old bankers and city men, who, presumably in their dotage, have been known to discharge clerks and others in their employ for the heinous offence of allowing the hair to grow on the upper lip. The relation between respectability and a clean shave is, of course, entirely arbitrary; but Fashion, playing the courtier, having decreed it, that decree had for a no inconsiderable period as much force as if it had been found in the Decalogue. One of the first to oppose it boldly and openly—that is to say, as a public man—was Mr. Muntz, the member for Birmingham, who outraged the "collective wisdom" by taking his seat in the House of Commons in a full flowing beard that would have done credit to a patriarch.