

Hon. LEADER OF THE OPPOSITION had been in favour of doing away with imprisonment for debt, and by way of testing the principle on a small scale had had a clause inserted, a few years ago, in the Small Debt Act, preventing imprisonment for debts under £10. This amendment did not, however, appear to work satisfactorily, for during the next session of the Assembly, petitions were presented against it, signed, not by the merchants, but by the debtors themselves. The hon. Committee could easily see the reason. A large class of people in the community obtained credit with the merchant upon their persons; he knowing that if they failed to pay he had the power of imprisoning them, and that they dreaded imprisonment. When, therefore, that power was taken from him, he felt that he could only depend upon the honesty of the debtor, and was unwilling to credit so freely as before. Many persons could not then obtain goods upon credit, and they therefore presented petitions praying for the privilege of being again locked up. He feared that the principle advocated by the hon. member for Belfast would work in a similar manner. Debtors would give bills of sale of their property, in order to take the benefit of the limits, and every one acquainted with the matter knew that it was sometimes almost impossible to break such bills of sale.

Mr. BRECKEN knew that in many cases the dread of arrest would make men pay their debts. In several instances persons had assured him that they were utterly unable to pay claims which he had against them, but as soon as a writ had been issued they in some way obtained the money. He thought the suggestion of the hon. member,—if he were really serious in it,—would, if adopted, almost entirely do away with the credit system, for the merchants would then know that they must depend upon a person's coming forward voluntarily and paying his debts. The poor people, as well as the merchants, would suffer, for most men would not be able to obtain the articles they might require without paying for them at the time.

Hon. Mr. HOWLAN was glad that the question of having a Bankrupt Law in this Island had come up for discussion, as it was a most important question, and one in which it was desirable to obtain correct information. He knew that in the other Provinces there was much difference of opinion on the matter, and it would be the duty of the hon. House to consider whether we had arrived at that stage, at which a Bankrupt Law would be of benefit. In Canada there had been much opposition to such a Law, but he believed he was correct in stating that there was one at present in force in that Colony. Everyone must acknowledge that when misfortune overtook a man,—not from any fraud on his own part, but from circumstances beyond his control,—it was hard that he should be imprisoned, or, if at liberty, be compelled to do business for the rest of his life in another's name, without any prospect of ever ridding himself of his former debts. The best man was liable to misfortune or loss from a change in the markets and various other causes. He might have his property consumed by fire, and though insured the insurance might not be paid, and thus he would be made a poor man in one hour, with perhaps a family depending upon him for support. Under our present law poor he would have to remain to the end of his days, for no one would give him credit. If he asked for it he would be told "no, we cannot credit you for you owe Mr. — and he can at any time seize any property you may possess." He (Mr. Howlan) knew a gentleman who had spent all his early life in opening up the resources of this Island, but, becoming unfortunate in his trade transactions, and meeting with heavy losses, he was

now obliged to do business upon sufferance. Looking at these facts he thought that the time had arrived for the Legislature to take the matter of a Bankrupt Law into its serious consideration. He was glad that it had been brought up, for if not settled this Session it might be next. He would be ready to support any hon. member in introducing such a Law.

Hon. Mr. LAIRD quite agreed with the hon. member from Tignish regarding the hardship which honest though unfortunate men were compelled to suffer under the existing laws. If a bill providing for a Bankrupt Court were brought forward by members on either side of the House he would be ready to give it his support. Respecting the petitions for striking the amended clause out of the small debt Act, which had been alluded to by the hon. Leader of the Opposition, he was of opinion that very many who signed them did so without considering the matter. It was well known that there was a very large class in the community who would sign almost any petition which was presented to them, giving scarce a thought to the object, and this was perhaps the case with the petitions referred to. He believed that, had the clause not been repealed, good results would eventually have come from it. He was willing to see a Bankrupt Law in force here, and considered that its introduction would show that the Legislature were interested in the welfare of the Island.

Hon. ATTORNEY GENERAL could corroborate what the hon. Leader of the Opposition had stated regarding the clause which had been inserted in the small debt Act. So many numerous signed petitions were presented against that clause that it was struck out. He would be in favor of introducing a properly framed Bankrupt Law, and as it would perhaps be impossible to bring in a Bill this session, he would be willing to form one of a committee to prepare a draft that might be submitted at the next meeting of the Legislature.

Hon. Mr. KELLY said that the petitions against the amendment to the small debt Act had, he believed, been got up by the flour dealers and others in Charlottetown, who had induced people to sign by persuading them that trade would be completely broken up if the Act as amended remained in force. He would be willing to extend the Jail limits to the County if any alteration were to be made in the Bill before the Committee.

Mr. KICKHAM observed that if the limits were extended to the bounds of the County even, it would be productive of much injury to the merchants. A dishonest man could then purchase goods, and by making his property over to his friends and taking the limits could prevent his creditor from collecting his just debt. He would therefore support those gentlemen who were disposed to allow the law to remain as at present.

Mr. BRECKEN agreed with what the hon. member from Tignish (Mr. Howlan) had said regarding the injustice of compelling an honest though unfortunate man to spend his whole life with an incubus of debt pressing him down. The framing of bankrupt laws was however one of the most difficult things in Legislation. In Britain Lord Brougham had taken the matter in hand, and after him Lord Westmorland, till finally their Bankrupt Law was considered perfect. But it was now found not to work satisfactorily. In New Brunswick they had had several such laws, but they were repealed in turn, and in 1852 there was none in force in that Province. This was also the case he believed at present. They found the Acts so difficult to carry out that they were compelled to repeal them. If a properly framed Bill were brought in he would be willing to support it, but he thought that