

retained. Imprisonment for debt is abolished, but, no discharge being granted, the disability as to dealing with others persists. In the last and final stage of development personal restraint entirely disappears, and the honest, but unfortunate, debtor is not only not imprisoned, but is left free to engage unhindered in the activities for which he may have any special skill and aptitude to the benefit of himself, his family, and the State.

A glance at the pages of history is sufficient to verify the evolutionary process here briefly sketched. In all primitive communities of which we have historical record, the rule was that a man must pay his debts in full, and if he could not pay with his property he should answer with the liberty not only of himself, but of his family. The Old Testament contains the story of a woman who sought the help of Elisha, saying, 'thy servant my husband is dead and the creditor is come to take unto him my two children to be bondmen': 2 Kings: 4. 1.

Sir Henry Main said: "Nothing strikes the scholar and jurist more than the severity of ancient systems of law towards the debtor and the extravagant power lodged in the creditor." It brought many early states to the brink of ruin. In Athens a revolution was only averted by the abolition of enslavement for debt. In Rome in the ancient law of the twelve tables every execution was personal and resulted in the bondage of the debtor and a right to the creditor to sell him into slavery or even to kill him. If several creditors had claims upon one and the same debtor the law allowed them to cut the debtor into pieces and divide his body between them. The creditor's right to sell his debtor was abolished in 313 B.C.; nevertheless, imprisonment continued to be the principal method of execution. When the person of the debtor passed into the power of the creditor the same fate befell his whole estate. It was not until the time of Julius Cæsar that a debtor became entitled to immunity from imprisonment on formally giving up everything to his creditors, *cessio bonorum*. This *cessio bonorum* marks the commencement of one of the true principles of bankruptcy.

The earliest English statute on the subject of bankruptcy