

I think it is not desirable to separate the jurisdiction from that of the Supreme Court, unless where the subject matter, debts or property, might be beneath the dignity of the Court; certainly *liberty* cannot be beneath the dignity of any Court *de minimis non curat lex*; but of course the jurisdiction of the Supreme Court and Court of Appeal, and a *portion* of the judicial committee of the Privy Council, would not in certain cases be ousted. Nor should any honest man who is subjected to imprisonment be without a *speedy* remedy on grounds as at present, that he has no property.

The general course here is to give no *ad interim* protection where by the schedule to Debtor's petition there appears no property.

The general course here is to make no order for discharge out of custody before the day of hearing.

Thus on petitions so lately filed as not to admit of notice being given under Section IX, before the next day of hearing, (under sec. VIII,) the 14th February Debtors can get no protection nor discharge before 15th May.

In cases where the debts and liabilities are less than what costs of petitions, schedules, affidavits, and solicitors' attendance *must* amount to £10 at least, whatever the assets, neither vindictive Creditors nor obstinate Debtors should be allowed to waste such assets and the invaluable time of the Court; better leave the Creditor who has been duly diligent to sweep away what there is, and only limit the time of imprisonment at suit of others to a few days, at utmost until next hearing day.

In such cases, I do think the Courts of three Magistrates, acting as Courts of Justice with express powers, might make orders of discharge *nisi* at first, and then absolute on terms. But even as to these apparently hopelessly insolvent estates, perhaps vesting orders of what Debtor has at the time, whatever he knows of it or not, as *exempli gratia* rights under wills or successions, he has not yet knowledge of, might form terms or conditions.

General forms of conveyance and assets in trusts might be made and filed, and registered if need required. I would have one deed for reality and one for personality, and register separately, like deeds as to land and bills of sale.

And when the debts or claims in the whole amount to less than £10, or at most £100, it is in my humble opinion only justice. I think that Magistrates who have to give judgments should have some powers of kind hinted at, but I confess myself unable to work this out beyond limiting powers of Supreme Court to giving orders to the effect of vesting assets in any one where debtor's whole liabilities are less than say £10 or even £100, and especially where his assets are more in value than £100. *Contra*, if his assets be less than £100, or at least £20, the costs of any proceedings here in any Court would more than compensate for any sort of advantage his Creditors could get by proceedings. As to book or other debts due to the Debtors in sums less than forty shillings, to assign even £20 in amount of such would cost more at least than an assignee would get. In my experience as administrator of the estates of persons deceased, no assignees could get them; whereas, if the Debtor himself were allowed them, conditions might be made that he should pay some part to his Creditors; such orders might be made *sans* fees, or for little fees, where no doubt arose of honesty of the Debtor.

Every honest man should have allowance, as far as his estate would go, as it appears to me:—

1st. For his wearing apparel, tools, &c.

2nd. For his subsistence up to the time of his discharge, if required to be in attendance.

3rd. For costs incurred in the endeavour to do justice to all alike.

This, when the Court sat, *if it did* monthly, must at least be £30 or £40; and here, when the Court cannot sit oftener than quarterly, it is more.

And honest Debtors out of custody must incur fresh liability, almost exceeding that they sued to be relieved from, unless a limit be placed to the requirements of the Court.

In England, thirty years ago, I had so ne experience of the then state of misery which one act of bankruptcy put a man into. Honesty was no protection against Creditors to whom he had refused to give preference.

Up to the granting of the certificate the bankrupt Debtor had to be maintained in prison although assets existed more than enough to pay eventually 20s. in the pound.

Here the Debtors are stripped of their all, and ordered to attend three and six months hence to be examined, and allowed not even their apparel.

By great alteration of the rules, chiefly, in my opinion, by always adopting the rules of English Court whose jurisdiction is adopted, and omitting all rules copied from those of other Courts whose jurisdiction is not adopted.

The whole system of so-called settling issues seems to me costly and worse than useless, and a very dangerous innovation upon the simple course of law in England, suitable at the best to parties *sans* counsel. For Insolvents and Bankrupts, the petitions at first might be, as I think, forms most part printed. The particulars set out should be only such as to show *prima facie* grounds for relief; and where, after due publicity, no one here made any claim or laid any grounds to oppose, upon application to the Court an order might be made at once, either *ad interim* or final, as the Court or Judge might see fit, on terms the Court or Judge might deem just: for example, protection as to debts, &c., on the condition of paying interest in the meantime monthly or, &c., and the whole principal or dividends at a time or times to be limited, or of execution of such a deed, as the Court or Judge should approve, a common form to be printed. This, for honest Debtors, may act less harshly than the present Act. As for dishonest Debtors, lay down by an express Act what is wrong, what is a misdemeanour deserving punishment, and prosecute them; but do not assume insolvency is necessarily a result of dishonesty, taxing every estate for schedules, &c., trying vainly by even accounts, balance-sheets, and examinations. *viva voce*, to extort confessions.

If the Judges were three in each place, good rules might be made; but no Judge likes to set up his own practice as the best, even if it is so; and, as it is, one Judge has not the power alone; one Judge copies