

injurious effect. At the same time, Sir, coming from a commercial community as I do, and recognising the importance of the measure, I think the House will do wisely to leave it to the Committee on Banking and Commerce.

Mr. DUPONT (Translation). Mr. Speaker, I notice that the hon. gentlemen who have spoken before me are not quite agreed as regards bankruptcies. Some of them say that we ought to have an insolvent law; others, and more especially the author of this Bill, hold that we ought to have a law to discharge honest debtors, and thus shield them from the revengefulness of their creditors. I believe that the hon. members who feel such an overwhelming sympathy for honest insolvent debtors should also extend some of this sympathy to honest creditors and traders who have invested their capital into business enterprise. Such a Bill would tend no more nor less than to manufacture traders, and to make them more numerous than is required by the trade of our country. If that Bill was adopted we would undoubtedly have a multitude of young men, entirely devoid of capital and business experience, who would not hesitate to go into large business enterprises, and to interfere by their competition with those already engaged in the various branches of trade. And, Sir, this is just what happened during the period which elapsed under the Insolvent Act of 1869. A large number of young men, without experience and without capital, launched out into business, established commercial houses alongside of honest traders having capital, alongside of houses perfectly well established, and, by a ridiculous competition, have ruined these houses, have caused them to fail, and have failed themselves afterwards. I repeat it, the hon. members who have so much sympathy for honest insolvents, should above all have some sympathy for those who are ruined by traders without experience and without capital. I think we ought to leave to each Province the power to legislate on this matter and to determine its own mode of distributing the insolvent's estates. I believe, moreover, that it is not necessary to pass a law to discharge insolvent debtors and allow them to release themselves without paying anything to their creditors. There is an axiom which says that fear is the beginning of wisdom, and I consider that the House would be wrong in removing from these reckless and impecunious young men, this wholesome fear which to-day hinders them from going into hazardous enterprises. Besides, Mr. Speaker, the present Bill is absolutely unfair in its principle. It purports that a debtor, in order to have a right to his discharge, must obtain the consent of one-half or three-quarters of his creditors either in number or in amount of claims. Well, if it is absolutely intended to protect honest debtors, it would be better to leave it to the discretion of the judge to determine when the debtor will be discharged from the obligation of paying his debts; because, an honest debtor may sometimes have merciless creditors, and so find it utterly impossible for him to obtain leave to apply to the court. Therefore, it would be better to give the creditor leave to apply before the judge, and to call his creditors before the court, and the judge himself would determine whether the creditor according to the management of his affairs, would or would not have a right to the clemency and to the sympathy of the court. I believe, that the fact of leaving to the creditors themselves the power to determine whether the creditor may or may not apply to the court for his discharge, would be detrimental to those honest debtors which this Bill intends to protect. Besides, as I said a while ago, this law is not necessary, and the immense majority of the country will certainly be opposed to it. As regards the farming community, as my hon. friend the member for Iberville (Mr. Béchard) so truly said, instead of rejoicing at the adoption of such a Bill, I think they would be totally opposed to it should it be adopted in this House. I may add, Mr. Speaker, that under this Bill the securing of a discharge is wrought with so many

Mr. KENNY.

technicalities, that should it be adopted in its present form it could only have one result: that of procuring many clients to lawyers while it would be far from profitable to those whom it is proposed to aid through its adoption.

Mr. HESSON. I must regret that it is considered necessary by any hon. gentleman to bring forward a measure of this kind again. Those who have had the advantage of being present in this House for a number of years past must have experienced this fact, that popular opinion is opposed to a measure of this kind. We have had Bills of a similar character, though probably not so far reaching as this one, which applies to agriculturists as well as to traders, presented at each previous Session, but we never considered it in the interest of the country to revive the Act that was repealed some seven years ago. The title of the Bill is: "An Act for the discharge of insolvent debtors whose assets have been distributed ratably among their creditors." Could the hon. mover of the Bill have said it was for the discharge of honest insolvent debtors who have not been met in a fair spirit by their creditors, and who have not been dealt with in a fair, honorable and honest way, after having given up all their assets to their creditors, I could have gone with him in that direction a very long way. But I do not think that the hon. gentleman, in introducing this measure, has shown to the House that necessity exists for the relief of the men whom he proposes to relieve. My experience of thirty years as a business man has led me to this opinion, that creditors invariably deal honorably and honestly with their debtors, when the debtors have endeavored to act honestly and honorably by them. I feel there is not the slightest occasion for the introduction of this Bill; I feel that it is an insult to the farmers of Canada. As an individual representing a very large agricultural constituency, I feel it my duty to protest against the introduction of a measure of this kind. I shall oppose it at every stage. In the committee, I shall, if I am spared, do what I can to prevent its promotion. If it reaches that stage, I shall oppose its reference by the committee to this House, for I do not consider it is in the interests of the honest traders of Canada that such legislation should be put upon the statutes of the country. We know the disastrous effects of the Insolvency Act of the past; we know how dishonest traders made the best use they could of the privileges afforded them by the law to cover up the most careless, even dishonest acts, and take unfair advantage of their creditors. Whilst my hon. friend may find here and there an individual who feels he has been unfairly dealt with by his creditors, he has failed to produce sufficient evidence to convince us there is necessity for the measure. Were there necessity for it, we would have had petitions from those who are laboring under those great disadvantages and under the grievous burdens imposed upon them by their creditors; we would have had complaints from all parts of the country, and more especially my hon. friend who resides in a large commercial city, the city of Toronto, would have been the recipient of a number of petitions to present to the House; but we have had none such, and I feel it my duty, therefore, to oppose this legislation. Our experience has been unfavorable to a measure of this kind, and I repeat it has not been asked for. On behalf of the farmers of Ontario, at least of that part of the country which I have the honor to represent, I must say they do not ask for such legislation, nor would they feel it to their credit to have their names connected with it; and, if my hon. friend were to canvass the rural districts, he would find the majority opposed to the Bill he now proposes.

Mr. WHITE (Renfrew.) The question respecting the discharge of insolvent debtors is one which has more than once engaged the attention of former Parliaments since I have had the honor of a seat in this House. The Parliament previous to the last repealed, by a