

Mr. FITZPATRICK. I have that also and I find:

The following persons and partnerships or companies exercising like trades or callings or employments shall be held to be traders.

That is very general; I should not like to think that enumeration would limit the general terms of the section. I should not like to give that as a considered opinion of law.

Mr. R. L. BORDEN. I do not quite understand my hon. friend.

Mr. FITZPATRICK. I should not like to say in law that the following enumeration limited the general terms I have just described. I do not think the enumeration limits that at all.

The following persons and partnerships or companies exercising like trades, callings or employments shall be held to be traders.

Then we have the enumeration, not the definition, but the enumeration which my hon. friend (Mr. R. L. Borden) pointed out. Now that is only an enumeration it is not a definition. That is my opinion. If my hon. friend from Lincoln (Mr. Lancaster) would think we ought to define the word 'trader' I would be quite willing to have the Bill considered further for the purpose of considering any definition he would suggest. I must confess notwithstanding what has occurred that I know of no definition in law in any statute in this country of the word 'trader.' I know of no definition, absolutely none. We have a judicial construction of the term in our province. We have it in Ontario and we have it in the Privy Council, but we have no statutory definition that I know of.

Mr. R. L. BORDEN. We have no statutory definition which is applicable to all cases, but notwithstanding the opinion of the Minister of Justice, I would call this a practical definition.

Mr. FITZPATRICK. Would my hon. friend drop the word 'practical' and say 'definition'?

Mr. R. L. BORDEN. I will tell my hon. friend what there is here. There is an enumeration of about thirty trades which are included, and about six which are not included. I would call that a practical definition, and I would be content to take the same kind of definition in this statute.

Mr. FITZPATRICK. This matter was discussed last year in the Senate, and I have looked at the debate. With such legislation as we have already in existence. I think it is most desirable that traders should be made to understand that they cannot take advantage of the credit they enjoy for the purpose of defrauding their creditors, and if my hon. friend from Lincoln (Mr. Lancaster) can get us a definition of trader that will meet the case, I would be inclined to go with him.

Mr. R. L. BORDEN.

Mr. L. A. RIVET. I have been approached by the Chamber of Commerce of Montreal with the request to support this Bill, and I desire to say a few words upon it. This Bill has been instigated by almost all the boards of trade throughout the Dominion, because they feel that some legislation of this kind is badly needed at the present time, in the absence of an Insolvency Act, to protect not only the public at large against fraudulent debtors, but also the traders themselves against themselves. The legislation that was presented to the Senate last year went through without any amendment from its original form. It was presented by the Hon. Senator Beique. Although some senators took exception to the Bill, they did not offer any amendment to it. They all agreed that legislation of this kind was needed. I do not myself really see the force of the objection of the hon. leader of the opposition in regard to the definition of the word 'trader.' I agree with the hon. Minister of Justice that that word is perfectly understood particularly in the province of Quebec. A trader is a man who is habitually engaged in commerce.

Mr. R. L. BORDEN. Would it include a commission merchant?

Mr. RIVET. Of course. My hon. friend the leader of the opposition understands very well that it could not apply to a professional man, such as a lawyer or a doctor. Of course, if a lawyer or a doctor chose to engage in trade, such as selling wood or timber, through that side line of business he would become subject to the application of the present Bill.

Mr. R. L. BORDEN. Would it include a wharfinger or warehouseman?

Mr. RIVET. Yes, an agent—any man who engages in trade and commerce.

Mr. R. L. BORDEN. Would it include a farmer?

Mr. RIVET. Not a farmer who sells the products of his farm; but if a farmer chose to deal in hay, for instance, or to engage in any other trade, I have no hesitation in saying that he would become subject to the application of this Bill. It seems to me perfectly simple. The line of demarkation could be easily drawn between people engaged in professions and people engaged in trades. I think there is no difficulty whatever in the definition of the word 'trader.' Now I come to the application of the Bill. I have said that it is badly needed; and this is shown by the resolutions which have been passed by almost every board of trade throughout the Dominion. If I am allowed, I shall submit to this committee a report which has been made by a committee appointed by the Chambre de Commerce of Montreal, and adopted by that body. This report was