

charge clause. We found that amongst those who had been the strongest in urging on this House the necessity of insolvency legislation, there was not the slightest unanimity when that Bill came before the House, and those who were the most prominent in urging it said they would not have any such Bill. It is true, there were some who were willing to have a Bill with a discharge clause, but there were also a large number of the leading merchants in the country who said they would rather the law remained as it was than that we should have the country exposed to the dangers which would be incurred under a law containing a discharge clause, such as our former Insolvency Acts had. Under these circumstances we allowed the matter to drop, and the mercantile community thereupon, as has been represented by the hon. member for Berthier (Mr. Beau-soleil), applied to the Local Legislatures to have legislation enacted there which would, to some extent, meet the requirements of the case. There is no doubt that the laws existing in certain Provinces of the Dominion enabling persons to make undue preferences are very objectionable, and that in the large centres there is felt the need of some law that will enforce in the Dominion at large the principle which is found in the law of the Province of Quebec, and, I believe, in the Province of Ontario, that these undue preferences shall not be tolerated. But this Bill will not meet any of the requirements that have been urged upon this House by those various mercantile bodies. There is another thing also, to which I would direct the hon. gentleman's attention. The only principle upon which any Parliament of this kind has ever attempted to introduce insolvency legislation granting a discharge, and thereby interfering with rights which have been so ably dealt with this afternoon by the hon. member for Iberville (Mr. Béchard), is this: that it is merely the case of traders, that there was a special privilege, as it were, attaching to traders, or men in commerce, that entitled them, owing to the peculiarities of the business in which they were engaged, to a discharge when they had performed all that was required of them and given over their property, after having been unsuccessful in business. But I believe this is the first time it has ever been attempted anywhere to introduce a law by which any general discharge would be given indiscriminately to all classes of persons, wiping out their indebtedness by Act of Parliament, outside the cases of traders and commercial people. I do not think the hon. gentleman will find a precedent for such legislation as he is attempting to enact here. There is another very grave and serious objection to such legislation. No doubt it is pleasing to hear from the representatives of the agriculturists of the country that they for one class would repudiate any such legislation as this; that they do not desire a law to relieve them from the just payment of their debts, and which will have the effect of putting temptation in the way of honest men, and inducing people to become insolvent who otherwise might struggle along and pay their debts in the end. Under these circumstances, I think it is gratifying to find the hon. member for Iberville, speaking as he does advisedly, and as a representative man of his class, stating that the agriculturists do not require, and would repudiate, any such legislation as this. I think my hon. friend when he considers the matter will discover that those who are in most need of such legislation are the very persons who cannot utilise it. They are the very class of persons beyond whose reach this law would be placed, that is, the poor working men of the country. How can a poor working man obtain the money to pay for a discharge under this law, if he is crushed under a weight of debt? I have been an eye witness myself of cases in which a poor man has found himself crippled by two or three paltry judgments of a few dollars each, in which the costs have amounted to twice the debt for which his wages have been seized. He never can be in a position to obtain a discharge and become a free man under

this Act. There is nothing in it which will reach the working classes, who are most in need, to enable them to rise superior to their difficulties. I concede that if the hon. gentleman could have devised some means by which that large class of the community could be relieved, it would meet with a great deal of favor in this House; but I do not perceive in this Bill anything that should commend itself to the good sense of the House; and for my part, until I hear from the boards of trade of the country, as representing the great commercial and industrial interests, I will not be disposed to vote for any measure calculated, as I believe this is, to entail upon us another reign of depression, and to open the door to very serious abuses which cannot be avoided under such a law. We all know what these abuses were under the old law. True, this law does not go so far as that one did; but even as a mere bankruptcy law, it will open the door to a whole series of abuses, and I am satisfied that if it should become law and is enforced for a few years, there will be as great an outcry to have it abolished as there was to have the old insolvency law struck from our Statute-book. Under these circumstances, not having had any information from those most authorised to speak on behalf even of the commercial community, I think this motion of my hon. friend is premature, and I must refrain from giving it my support.

Mr. KENNY. I did not intend addressing the House on the measure now under consideration. I assumed that the very reasonable suggestion that a measure of this importance should be referred to the Committee on Banking and Commerce would meet with the approval of the House. A measure so important to the commercial community should not in my opinion be summarily dealt with. The hon. member for South Brant (Mr. Paterson), placed its importance forcibly before the House, and informed us that in his experience in the larger Province, where a debtor had behaved with becoming honesty, he had been invariably treated kindly and generously by his creditors. I may say that as that has been the hon. gentleman's experience in the largest Province of the Dominion, it has also been mine in the smaller Province from which I come. My hon. friend, the senior member for Halifax (Mr. Jones), I believe—for I was not in the House when he commenced his remarks—made it known to the House that in the community from which we come, there is a certain desire on the part of some of our fellow-citizens, that some bankruptcy law should be enacted. That opinion prevails especially amongst those connected with our monetary institutions, whose opinions on matters of this kind are entitled to every consideration. But, I am also aware, on the part of many commercial men in our community, there is a very great objection to anything in the shape of an Insolvency or Bankruptcy Act. That hostility is very largely due to the fact that the last Insolvency Act worked so unsatisfactorily. I believe that this House gave a great deal of attention to the preparation of that Act. I believe that it was a very good Insolvency Act. It placed the property of the debtor entirely in the hands of his creditors, and provided for an equal distribution of his estate. I think it would be impossible to improve upon an Act of that kind. And yet, Sir, the working of that Act was so entirely unsatisfactory that the commercial men of our community united with the commercial men of Canada in petitioning for its repeal, and it was repealed. Therefore, while I recognise the importance of the measure we are now considering and think we should not deal hastily with it, yet I am not prepared to express myself in favor of a Bankruptcy Act. The very expense of the late Act was a great objection to it, and I am afraid the same objection might apply to the present Act. The last Act to some extent encouraged fraud, and we should be very careful about enacting a measure which might have the same very