

constitution and of those who are called to carry on the government of Her Majesty. And this protection we will continue to claim and surely sooner or later we shall get it.

Hon. Mr. BOULTON—Will the hon. gentleman tell us what he expects this parliament to do in the matter?

Hon. Mr. BERNIER—I will tell the hon. gentleman what I wish should take place. I wish that the local government of the province should remedy the grievances of the minority of their own motion. That is our due, first because the local government were the offenders, and second because they are the competent and proper authority to deal first with the question. As an adherent to constitutional principles, I say that since education rests with the local government, I am quite willing to leave it in their hands, but when the constitution is being violated and the local government refuses to redress the grievances that they themselves created, as in this case, and more particularly since the remedial order was passed, parliament is vested with jurisdiction in the matter, and it is the duty of the government to introduce remedial legislation and of this parliament to adopt it.

Before resuming my seat I want to refer to another subject which is not mentioned in the speech from the throne, but which is very important—an insolvency law. Trade generally, as represented by the different boards of trade, has been asking for such a law for some time past. It seems to me that these wishes should receive the favourable attention of parliament. I am not aware whether the government will or will not submit such a bill to our consideration. But it is my opinion that they should. While holding that opinion, I desire to express now some views that I hold about it. The last insolvency law would have been a tolerably good law were it not for two of its features—the facility afforded to some people to put themselves under the operation of the law, while really they were not entitled to enjoy that privilege, and especially the existence of official assignees. I do not wish that what I am about to say should be applied to all the official assignees of the time. I know that there were good men who did their duties in a creditable way to themselves and to those whose interests were

laid into their hands. But the reverse, I regret to say, has been the rule. I have known personally official assignees who had agents and canvassers in the country, whose work was to induce people to take an undue advantage of the law. That work was carried out in the most dishonest way, and some of those official assignees should have been thrown in the gaol rather than occupy the responsible position they had. In a new law the office of official assignee should be abolished. The estate of an insolvent should be vested in the hands of a permanent officer, remunerated not by fees, but by a fixed salary, an officer whose position would be similar to a clerk of the court, and to tell all what I think about this I say that an insolvency law should provide for the appointment of a special tribunal—a tribunal of commerce whose functions should be to receive the estate of the insolvents, to administer the same, and to dispose of the different claims that might arise. The whole administration of that law should be organized in a judicial way. I would go as far as taking out of the hands of the creditors the whole matter. This I know would be a bold step perhaps, but I am sure that on the whole the creditors themselves would be the gainers. By this way you would prevent undue preferences. The clerk of that court having no interest in the matter would accomplish his duty as the clerk of any other court does. The members of that tribunal also would look only to justice and to the best interests of the creditors. The difficulty is not precisely to make a law acceptable to the trade, but it is to administer the law. No good administration can be obtained if the doors are open to greed and dishonesty. But if you have a law whose administration is based upon a judicial principle, and carried on by officers having no interest whatever, one way or other, simply holding the responsible position of judges or the like, then I believe you would have a good administration and as a result, satisfaction amongst the trade community. The members of that tribunal should not necessarily be lawyers. Some men of high repute chosen amongst the mercantile community might be introduced in the composition of that tribunal along side with gentlemen of the legal fraternity. These are a few points which I ask the government to consider. To my mind there is no better way of insuring the good working of an insolvency law.