

Hon. E. B. RYCKMAN (Minister of National Revenue): Mr. Speaker, I am in sympathy with the hon. member who has just preceded me (Mr. Stitt). I think there is one feature of this legislation which has not been brought to the attention of the hon. senior member for Ottawa (Mr. Chevrier). If this amendment were passed it would strike at the law merchant and the customs and laws which have grown up with regard to cheques and vouchers for money. Let me put this case to the house. I buy something from an hon. member and I give him my cheque as a deposit. He presents that cheque to the bank but it is not paid. He could obtain what I was to give him from somebody else, but he cannot do that because I have a contract with him. That contract is that if my cheque is not paid by the bank I have a reasonable time within which to honour it. The question would be how is "a reasonable time" to be determined. The courts would step in and probably would decide that the cheque was not to be paid on demand, that payment was to be extended for some time and the difficulty would be, as was stated by the last speaker, that that time would not be determined until determined by a court of law. I submit that this legislation being framed as it is does not accomplish what the hon. gentleman for Comox-Alberni (Mr. Neill) has in his mind. He is perfectly justified in seeking to remedy a situation which although covered by the criminal code is not covered as definitely as he and others would like to see it. This bill would cause more trouble than ever conceived by the mind of man with regard to the issue of cheques and their being payable upon demand.

Mr. A. W. NEILL (Comox-Alberni): Mr. Speaker, if the criticism of my unhappy offspring had been along one definite line probably I would have felt that it was justified, but I find that it has varied considerably. The last time this bill was before the house we were told by a minister of the crown that it was felt by many people that the bill went much too far. To-night the Minister of Justice (Mr. Guthrie) has told us that he has received protests against the bill, but I am inclined to think that those protests were from people who have made but a superficial observation of the bill. Those protests must have been because it goes too far, but the minister said it does not go far enough.

Mr. GUTHRIE: No, I did not say that.

Mr. NEILL: At least that it lends itself to increasing the opportunities for crime, which is practically the same thing. I have

not the time or the knowledge of the constituencies of the various gentlemen who have spoken to refer individually to their remarks, so I will deal with them collectively.

One hon. member said that he would be in favour of this bill if it were made applicable only to those who had no accounts. That will be a simple matter to overcome. The professional criminal who goes about doing this sort of thing is not a fool. It would not take him long to realize that fact and he would come into a town and open up accounts in three or four banks. He would withdraw all the deposits with the exception of a few dollars and then go about his business. This argument already has been found to be unworkable.

Many hon. members of the legal profession—apparently well up in their profession or they would not be here—seemed in doubt as to the meaning of "a reasonable time." I think it will be found that this is not the first bill which contains that expression, and that fact must be or should be known to hon. members. I think this phrase is used in the Bills of Exchange Act, for one. I presume that the defining of this phrase would be left to the magistrate before whom the offender was brought, who would give him a few days in which to make good his cheque.

Another hon. member said that this bill would permit the use of the courts as collecting agencies, but whether this bill is read upside down or inside out nothing can be found to suggest that it will be possible to use the courts to a larger extent than at the present time. It is a well known truism that people are apt to threaten criminal proceedings against a man in the hope of having their bills paid; that is human nature, but there is nothing in this bill to facilitate that sort of action. An hon. member who presents an argument such as that in my opinion is putting it forward simply to find fault.

Then it was claimed that it would have to be proved that the man had no funds in the bank or not sufficient funds, but that would be easy to do. Another argument was that reasonable grounds would have to be advanced that he had no credit at a bank. That could be established easily by the bank coming forward and swearing that they had never given any credit and had no intention of doing so.

The next argument was in connection with the definition of "a reasonable time". That again is very easily established.

The Minister of Justice pointed to the fact that, as we all know, there is at present a section in the criminal code dealing with the matter. The reason why this bill is introduced