

imprisonment for debt and nothing else for the men whom we are trying to reach by the Bill.

Mr. R. L. BORDEN. I thought my hon. friend the Minister of Justice was not right as to the exact provisions of the Insolvency Act of 1875. My recollection was directly the opposite of his. On looking at the statute I find that he is not accurate. It is defined there and defined very elaborately:

This Act shall apply to traders. The following persons and partnerships or companies exercising like trades, callings or employments—

And then it goes on with an enumeration of about thirty different trades or occupations and provides that the persons exercising the same shall be held to be traders within the meaning of the Act. The same is true of the English Bankruptcy Act and there is a large number of statutes in Great Britain as my hon. friend will see by reference to the text books in which the word 'trader' is defined by statute. My hon. friend the Minister of Justice says he understands what the meaning of the word 'trader' is. I do not for one moment deny that. He is speaking more particularly of his own province, I suppose. For my own part and speaking for the province of Nova Scotia, I may say that there might be a great deal of doubt as to the meaning of this word in a statute of this kind. It was found necessary in previous legislation to define the word.

Mr. FITZPATRICK. Not in the Act of 1864. I think my hon. friend, if he looks at that will see that it is not illuminative but enumerative.

Mr. R. L. BORDEN. I do not know whether it is illuminative or enumerative, but at all events it does this: It says the Act shall apply to traders and then gives a long list of persons who shall come within that definition. If there is any distinction between a definition of that kind and an enumeration, then it would be very useful to provide some similar enumeration in this statute because I do not know exactly what is meant by the term. For example; Would the Minister of Justice say that a farmer is included in the word 'trader?' He would say he is not.

Mr. FITZPATRICK. It has been so decided time and again.

Mr. R. L. BORDEN. Suppose you have a farmer who does not confine himself to selling his own produce but who goes to market after buying produce from his neighbour. Would my hon. friend say that he would be a trader? Perhaps there might be no difference of opinion in the province

of Quebec but these are laws that will apply to all provinces of the Dominion.

Mr. FITZPATRICK. These points come up every day and they have been decided time and again.

Mr. R. L. BORDEN. If the Minister of Justice will show us that this has all been decided there is no need of further discussion. It has not been decided in my own province and this Act applies to the whole Dominion. My hon. friend from Lincoln says it would be desirable, for the purpose of removing doubt, to define exactly what the word 'trader' means. I think it would be desirable to define it for very obvious reasons, for the same reasons which have induced the legislature of Great Britain to define it. For example, in the English Statutes of 1869, I find there is a definition also. I have not the statute under my hand but in the English Bankruptcy Act of 1869, the word 'trader' was defined as well as in our statutes of 1875. The word 'trader' may have been given a more extended meaning by these definitions than it otherwise would bear under a definition of the courts. It is, however, equally important here to have the meaning of the word made certain, and I do not know exactly what my hon. friend the member who introduced the Bill (Mr. Bickerdike) intends by the word 'trader.' I think it desirable to include in this Act a definition just as in the Insolvency Act of 1875, it was found necessary to give a definition of the word which went further than any decided case, up to that time. It is only for the purpose of making the statute clear that my hon. friend from Lincoln and Niagara (Mr. Lancaster) has made that suggestion and it is for the same reason that I am supporting him. But apart from this the principle of the Bill is somewhat important. I do not know that the Minister of Justice has come to any conclusion as to that. If we once arrive at the conclusion that the principle of the Bill is right and should be extended to some class or classes of persons in the community I do not think you will have very much difficulty in deciding whether or not we should have a definition of the word 'trader.' That is a very minor difficulty as compared with the more important question of whether or not the Act in its present form should apply to any class of the community whatever.

Mr. FITZPATRICK. In regard to the Insolvency Act I find my memory was entirely at fault. The statute of 1864 applied in Lower Canada to traders only and in Upper Canada to all persons, whether traders or not traders. I have looked through the Act and I do not find any definition beyond that.

Mr. R. L. BORDEN. I am speaking of the Act of 1875.