

Farm Machinery

[Translation]

Mr. Paul: Once again, Mr. Chairman, we find that legal knowledge is not learned by osmosis. If the hon. member for Lotbinière has the great privilege of having a father who sits at the appeal court, I think that he himself could be a practising lawyer and then, he would not have dared put forward observations as weak as those he just offered.

First of all he said that clause 3 answers the arguments I raised because the Farm Credit Corporation may or may not grant a loan.

What would happen if the under age person declared he was of age? What would happen to the contracts entered into? What would happen, for instance, to the great many loans obtained by under age persons?

My learned friend refers to the partnership. So, according to him, because the English version refers to partnership, the provisions of the civil code are set aside. My learned friend refers himself to the civil code, to sections 1830 and the following, dealing with the corporation.

Therefore, I am quite justified to say that the federal legislator is asked to legislate in a field where civil law is involved. An attempt is made to bring forward a legislation without taking all necessary measures to prevent so-called legal acts which are useless in any case because of the legal incapacity of certain contracting parties. In addition, I shall point out—

Mr. Choquette: Would the hon. member allow a question?

Mr. Paul: Surely, if it is an intelligent one.

Mr. Choquette: Does the hon. member know the principle of civil law, stated in article 1005, which says that:

A minor who is a...trader..., is not relievable for cause of lesion for contracts made for the purposes of his business—

If the occasion arises, would the minor not be a trader, and in that case, do you not know the principle of the civil code which says the "the minor who is a trader, is considered of full age for the activities related to his business"? It seems to me that you should know that; it is as clear as crystal.

Mr. Paul: It seems to me that in the remarks I made yesterday—would the hon. member for Lotbinière kindly listen to me if he wants an answer to his question? Yesterday, I did mention that this legislation is intended to destroy the small farm, the small farmer's land. This is so true that the hon.

member for Lotbinière now mistakes the merchant for a farmer. Now, the farmer will become a merchant.

He refers us to section 1005 of the civil code. I wonder where we are going. A while ago when I referred to certain provisions of the revised statutes of the province of Quebec, chapters 118 to 123, I simply pointed out to the Minister of Justice that there are certain legal provisions in the province of Quebec to permit the creation of an agricultural syndicate.

I respectfully submit that the federal government now wants to set up an agricultural syndicate, putting aside the economy of the administrative law of the province of Quebec in that regard.

To merely say that the Farm Credit Corporation may or may not transact with persons on the ground that they are under age would protect the corporation from the danger of such transactions. And I respectfully submit that the Minister of Agriculture (Mr. Hays) should insert a paragraph in order to clarify this clause, as my hon. friend from Pontiac-Témiscamingue (Mr. Martineau) was pointing out when he specified that the persons called upon under this act to transact with the Farm Credit Corporation should have the legal capacity to do so, as is stipulated in the various civil laws of the ten provinces of Canada.

The only purpose of my remarks is to protect the federal funds in preventing corporations from losing money through loans granted to minors who have no capacity to contract, and to see to it that the civil law, which is of exclusive provincial jurisdiction, is complied with.

Mr. Favreau: Mr. Chairman, I think that the hon. member for Lotbinière (Mr. Choquette) and the hon. member for Berthier-Maskinongé-Delanaudière (Mr. Paul), even if they do not talk exactly the same language, both agree that the bill, as it stands at present, must respect the civil law in the province of Quebec and, in the other provinces, the common law, that is, the law which governs the parties in civil matters.

After listening to the statements made by both hon. members, I agree with them, and in order to reassure them, I can tell them sincerely that no illegality will ensue from the application of the act. On the other hand, may I be allowed to give some details which will be my modest contribution.

I must first point out that the purpose of this bill is not the creation of an agricultural syndicate or an agricultural co-operative