

decision. That is not all. After the discharge has been signed, it has to be deposited in the court, with a sworn statement by the insolvent of all claims existing against him, with the names and addresses of all his creditors and the nature and extent of such claims, and that statement must be sent to every creditor by the clerk of the court, and in that way the greatest possible publicity is given to the proceedings which are being taken. The statement is also to be published in the *Official Gazette* and another newspaper. The insolvent is bound to appear before the court to answer all the questions that may be put to him in regard to the administration of his estate. After that has been done, after he has been examined, he is bound to deposit an affidavit stating that he has not obtained the consent of his creditors by payment or promise of payment or advantage, and then he has to give thirty days' notice to every one of his creditors of his intention to apply for his discharge. After the expiration of the thirty days, the insolvent and the judge are bound to be present, and the creditors are entitled to appear and show that the insolvent debtor has not been honest in his statement, or has not acted in accordance with the law. Then, if the insolvent is unable to prove, to the entire satisfaction of the judge, that he has administered his business honestly, the judge may, and in fact is bound, to refuse the discharge. The Bill also provides that all claims of a personal nature, and especially all claims of farmers for the sale of their produce, are excluded from the operation of the discharge, and the insolvent remains bound to them to the last cent. It has been objected that the farmers' interests were not sufficiently protected in insolvency legislation, but that objection is removed by the present Bill. Ample protection is granted to farmers, and if the insolvent, discharged from his commercial debts, goes back to business and makes any money, of course the farmer will be entitled to claim every cent that is due him. Under these circumstances, I think the House will admit that the provisions of the Bill submitted by my hon. friend are in this respect wise, and afford ample protection to the farming class. There are some points, however, in regard to which I would like to see some changes effected in the Bill. I would suggest that notices sent to creditors should be registered for greater safety, and that the discharge should not apply to any creditors who have not been notified according to the Bill, so that the insolvent debtor should be bound to give ample notice to all his creditors if he wishes to be discharged. I think that this Bill will be regarded as a boon by the community, inasmuch as it will enable men who otherwise would remain idle, to go back to their business and become useful members of society.

Mr. BÉCHARD. I must say that I cannot concur in all the opinions expressed by my hon. friend who introduced this Bill. We remember that until a few years ago, we had an insolvency law in this country, but public opinion became so indignant at the consequences of the operation of that law, that in the Session of 1880 the House repealed it. The old members of this House, perhaps, will remember that I took an active part in the repeal of that insolvency law, and for that reason I must be regarded as looking with much suspicion on the Bill which is now before the House. It is true this cannot be considered, perhaps, as an insolvency law, but I regard it as partially, if not entirely, so.

Sir JOHN A. MACDONALD. I would say to my hon. friend that if it is not an insolvency law we have no right to deal with it.

Mr. BÉCHARD. I repeat that it is, to some extent, an insolvency law; that it deals, it seems to me, with what is considered the principal feature of an insolvency law, that is, the relief of what is called in stereotyped phraseology, the honest but unfortunate debtor. This expression is always used, and I have heard it used in this House by those

hon. gentlemen who have pleaded in favor of an insolvency law—the relief of the honest but unfortunate debtor. It appears that but for this reason there would be no occasion at all for the existence of an insolvency law in any country. Well, Sir, like my hon. friend from South Brant (Mr. Paterson), I am not inaccessible to humane feeling. I am always disposed to sympathise with men who are in distress, but, as he has well said, there are several causes of distress in operation in this world, and it is certain that this Parliament cannot afford relief for all kinds of distress which are suffered by humanity. The purport of the Bill is to come to the relief of what is called the honest but unfortunate debtor. In my view here lies the great objection to such legislation—the great difficulty of discriminating between the honest and the dishonest debtor, of discriminating between the honest and the dishonest man. It is my opinion that out of 100 men who become insolvent, at least 80, if not 90, of them cannot be called honest debtors. Sir, we are living here under the influence of a good and sound principle, an old principle, a very moral principle, against which nobody can say anything, and that is that every man ought to be responsible for his liabilities, and ought to pay his debts. He uses his own judgment when he goes into debt, or at least he ought to do so; and, Sir, I do not think it is right for the representatives of the people in any Parliament in the world to interfere to protect any man from the consequences of failing to pay the debts which he has contracted; it is unfair to men who have dealings with each other. The hon. gentleman who introduced this Bill has said that under the present law, if any man cannot meet his liabilities and cannot get a discharge of his debts, he is obliged to leave the country. If this is the last shift which is left the debtor, I think that in ninety cases out of a hundred it would be better for the country that such men should leave it. We want honest men in the country, men who are willing to pay their debts, and if we could get rid of all those who are unwilling to pay their debts, I, for one, would be glad to have some law to which we could resort in order to place them in such a position that they would have to leave the country, for it is no misfortune to the country to lose men who will not do justice to their creditors. The hon. gentleman says that any debtor has a right to be discharged, provided he has not committed fraud. But how can you ascertain that a man who has become insolvent has not committed fraud? I think that most of us who have been in the habit of doing business, will be able to remember some cases, some transactions, where men who were, perhaps, your best friends, men whom you have trusted, have conducted themselves in such a way as to leave in your mind that they had committed a fraud upon you, that they were dishonest debtors, and that they took all the means they could to pay as little as possible to their creditors and endeavored to reserve or conceal as much as possible of their estate in order to keep it out of the reach of their creditors. The hon. gentleman said that for six or seven years the country had had no means of discharging debtors, that consequently it is time to pass a law by which they would be discharged from their legal liabilities, and if the people were not satisfied with the law we could repeal it next Session. The hon. member for Brant (Mr. Paterson) has pointed out the difficulties which exist with respect to repealing such a law after it has been in operation for some time; and the action of my hon. friend from South Ontario (Mr. Edgar) would, I think, be found in practice to amount to the enactment of a law for one year, during which all debtors, dishonest as well as honest, would be discharged. We would then repeal the Act, and when another period of seven years had elapsed we would probably be asked to pass another such law so as to grant discharges to all debtors whatsoever. That hon. gentleman also suggested that