

becomes insolvent must be able to show, by books kept previous to his insolvency, that the money has been lost. A law similar to this is in force in many countries and has been found to work very well, more especially, perhaps, in Scotland and France. All the chambers of commerce and boards of trade in Canada have passed resolutions asking the House to give effect to this Bill. We do not wish to tell a man how he shall carry on his business or what books he shall keep; but when he fails, if he does fail, he must be able to show where the money has gone.

Mr. LANCASTER. To begin with, I am afraid there is an objection at the very outset to the form in which this Bill is drawn. It is not clear to whom it applies. For instance, I, for my part do not know what a 'trader' is as designated by the Bill. I do not know what interpretation the courts of the different provinces would put upon the word. In the province of Ontario in different statutes dealing more or less with the question of insolvency the word 'trader' is differently interpreted. Under some statutes a farmer might be a trader, while under others he would not be. I am satisfied that the same construction would not be given to this word in the Northwest Territories or in Quebec as would be given to it in Ontario and by juries of indifferent counties. My first suggestion to the hon. gentleman (Mr. Bickerdike) therefore, would be that he should define this term. Otherwise, the interpretation of the statute will cause a great deal of trouble in the courts. Secondly, even assuming that the principle is quite fair, I do not see why there should be this limitation of five years. The object, I suppose is to prevent a man from hiding his assets—failing with a full pocket?

Mr. BICKERDIKE. Yes.

Mr. LANCASTER. If that is what the hon. gentleman (Mr. Bickerdike) contemplates, it seems to me the principle should apply without this limitation of five years. I do not see why, merely because a man keeps books for five years before his failure, and has really defrauded his creditors before that but has succeeded in postponing his actual insolvency, he should be better treated than the man who had not kept books. I do not see why, because he has kept books for five years, the judge is to be denied jurisdiction to ascertain whether his business was conducted with the intent of defrauding his creditors. I do not know that I should say more at this time. But I would like to have a statement from the hon. gentleman of what is meant in the Bill by the word 'trader.'

Mr. BICKERDIKE. I understand by the term 'trader' just what the Bill says, a man indebted to an amount exceeding \$1,000.

Mr. LANCASTER. Will that apply to a lawyer, a doctor or a farmer? I would like to know whom the hon. gentleman thinks this applies to. Does he think that under that term 'trader,' if a lawyer, or a doctor, or a farmer were indebted to an amount exceeding \$1,000 this Act would apply to them?

Mr. BICKERDIKE. I should think so, although I am not very well posted in these matters. But I think that any one who is buying goods from another person and owes him \$1,000 would come under the provisions of this Act.

Mr. LANCASTER. In my opinion, the hon. gentleman will get no judge in Ontario to decide that a man is a trader in law merely because he sells somebody else \$1,000 worth of property. If he wants to reach such a man, he had better amend his Bill.

Mr. FITZPATRICK. Can the hon. gentleman tell me where, in the statutes of Ontario, outside the Abandonment of Property Act, a trader is defined? I only know of one definition.

Mr. LANCASTER. Yes, there is an Act respecting absconding debtors, and there is a special provision in regard to the Ontario Judicature Act which brings in all these terms. If I had half an hour in the library I could produce a good many Ontario statutes to that effect.

At six o'clock, House took recess.

After Recess.

CONSIDERED IN COMMITTEE—THIRD READINGS.

Bill (No. 82) respecting the Essex Terminal Railway Company.—Mr. Cowan.

Bill (No. 34) respecting the Grand Trunk Pacific Railway Company.—Mr. McCarthy.

SECOND READING.

Bill (No. 122) respecting the Ottawa Fire Insurance Company.—Mr. Rosamond.

CRIMINAL CODE AMENDMENT.

House in committee on Bill (No. 86) to amend the Criminal Code, 1892, respecting the punishment of fraudulent debtors.—Mr. Bickerdike.

On section 1,

Mr. LANCASTER. I want a better understanding of this Bill. At six o'clock I was saying that I could find in it no definition of the word 'trader.' If the provisions of this Bill are wise, it should apply to every person who might be included in the idea or term of 'trader,' which, as I said, might differ in different provinces. We have not had much time to consider the Bill, and I would suggest that the committee should rise, so that we may have an opportunity to get the Bill into such shape as that per-