

Parliament that has made this provision because the Bankruptcy Act of 1914, chapter 59 of the statutes of the Parliament of the United Kingdom of that year, provides in section 15 for a similar situation there.

Now, section 143 of this bill says:—

Any person being examined hereunder shall be bound to answer all questions relating to the business or property of the bankrupt, and as to the causes of his insolvency and the disposition of his assets, and shall not be excused from answering any question on the ground that the answer may tend to criminate the person so examined or to establish his liability in any civil action, and all or any of the questions and answers upon any examination under this Act may be given in evidence against the person so examined on any charge of an offence against this Act and in any civil action or proceeding brought by, or on behalf of, the trustee or of any creditor or creditors entitled to take such action or proceedings.

This comes to my mind, Mr. Chairman, because of my business experience and also my experience in parliamentary life. Take the Compensation Act and other legislation, those who are to administer it want some kind of blanket control that restricts the liberty of the subject. The principle seems to be that you are presumed to be guilty until you have proved your innocence—something entirely contrary to our traditions. We were talking about the Mounted Police this morning. I have the greatest respect for the Mounted Police, but in my experience what those men would do in remote sections of the country, in the days of rum-running, hardly looked like justice. What is the use of talking about the liberty of the subject and the Magna Carta if we require a man to incriminate himself?

Hon. Mr. HAIG: This has got nothing to do with liberty of the subject.

Hon. Mr. KINLEY: Under this law a man can be called upon to give evidence to incriminate himself.

Hon. Mr. HAIG: Why not, if a man has been carrying on a crooked business? Suppose I am a merchant and have stolen goods and turn them over to somebody. The trustee gets after me, and when he has me under examination, he asks, "What did you do with those assets?" I must admit what I did with them. The person who does a crooked thing like that is the only one who can tell about it.

Hon. Mr. KINLEY: Anyone who is brought into court on a charge may be proved guilty by the evidence, but you cannot make a man prove himself guilty.

Hon. Mr. HAIG: Under the bankruptcy law of any country there is no way to get the kind of evidence I am referring to except out of the man himself. That has always been the law.

Mr. JUSTICE BOYER: Yes.

Hon. Mr. KINLEY: In Great Britain and other countries where financial interests were strong the law was always very arbitrary. To make a man prove himself guilty is contrary to the principles of justice. Even if a man is a murderer you have got to prove him guilty, but under this law, which deals with a money matter, he is required to prove himself guilty.

Hon. Mr. HAIG: It seems to me we are discussing a question of policy now, and I do not think his Lordship would care to comment upon that.

The CHAIRMAN: I suggest, Senator Kinley, that this is a matter of public policy, and we can hardly ask his Lordship to deal with that.

Hon. Mr. KINLEY: He is an expert witness, and I wanted him to give us the benefit of his knowledge on this feature of the law.

Mr. JUSTICE BOYER: It is the old law. I did not consider it especially, but I find it is very good law. It is very hard to get the truth out of a