

Farm Machinery

which provides that heirs are held responsible for unattested commitments of the deceased or the testator.

I would ask the Minister of Justice to provide at least for those cases, because I feel the poor farmer does not always think of all those legal subtleties of which he is unaware and which might raise serious problems for him. All he wants is to obtain money in order to purchase the machinery he needs. It is all very fine, but he will not think of all that.

As legislators, it is our duty to provide for the future.

I admit that if the minister truly wants to have this legislation passed—naturally the Farm Credit Corporation is subject to the civil code of the province of Quebec like anybody else—I understand it is not absolutely necessary to include a special provision in the bill, but if a company or partnership is to be set up, at least let there be an appropriate provision authorizing the parties concerned to dissolve their partnership, or company; in other words, let us make such a dissolution possible since there is no provision in this bill for such a contingency, except clause 9 which foresees the establishment of regulations concerning such a possibility. But this clause 9 will only constitute a way out for all the objections which can be made in this house. The minister might as well say that clause 9 will provide for a regulation stipulating that the corporation will not be allowed to make loans to those minors who are not protected by their tutor; again, he might say that clause 9 will provide for a regulation which will answer the objection raised a while ago by the hon. member for Pontiac-Témiscamingue (Mr. Martineau).

In all the bills submitted to the house, there is a clause corresponding to clause 9 in which internal regulations are dealt with. But we are now dealing with more than an internal regulation when, through a specific and explicit clause, the setting up of a so-called syndicate is provided for, which syndicate is compulsory and binding, and when the dissolution thereof is not even provided for.

I am asking the minister what he intends to do in such a case.

Mr. Favreau: Mr. Chairman, I think that the Minister of Agriculture will soon announce the projects of his department having regard to the provisions of the contract.

But I must simply say this: if we insist so much on keeping civil law in the province

of Quebec and common law in other provinces, we must consider with composure the consequences of the administration of the legislation now under study.

In all cases where there is an agreement or a contract for the reimbursement of funds, the agreement or contract are entered into so as to protect the estate of the party to the contract, and this is quite normal. Then in case of death, the heirs are responsible for the indebtedness. There will always be a way for those who will decide not to go on with the farming business—and they might be the exception—to give up, as heirs, their share in the undertaking, and it is normal that the heirs who benefit from the legacy be still responsible for the debts, if any.

But what I feared a little earlier in this matter—and I thought the hon. member for Lapointe (Mr. Grégoire) was talking about that—was the possibility that a loss be incurred through the obligation to reimburse as soon as the death occurs. That eventuality does not arise. In a little while the minister will explain how he intends to protect those who will take advantage of the provisions of the act.

I say it again; the situation, except for a few improvements that regulations might bring, is exactly the same as in the case of three persons who commit themselves in their own interest, as well as in the interest of those who some day will be their heirs.

Mr. Grégoire: Mr. Chairman, on this I would like to take up the Minister of Justice and remind him that when three persons, in the normal course of business, make an agreement, form a syndicate, or incorporate, they are liable for the sums subscribed to the company, and that leaves out their personal possessions, which are inexistent in the present case.

At the present time there are people who will commit not only what they have invested in the syndicate that has been formed or in the company, they will even commit their personal belongings, their estate, in brief, what they will leave their children or their wife. This cannot be compared to the case of which the minister spoke, where three people formed a legally incorporated company. Moreover, the Minister of Justice is fully aware of the situation.

In the case we are considering there is no legally incorporated company. It is just an agreement.

I heard the minister state a moment ago that it is an agreement aimed at protecting the inheritance of those who enter into it.