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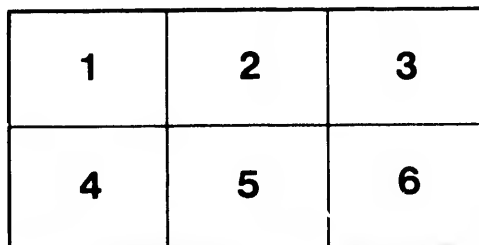
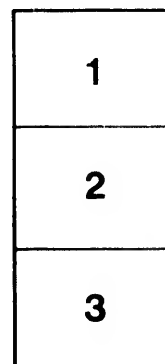
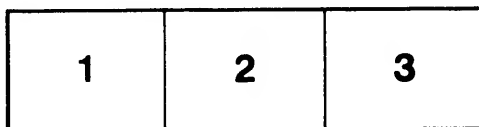
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**Cause** and  
**Remedy** for the  
**Hard Times**

by  
[O. C. J. Holmes]



DECEMBER THE 26TH, 1894.

The report of the meeting at Lornedale School House in the Municipality of Odanah, and the Province of Manitoba, on the debate of the important position of creditor and debtor, and who should pay the costs of a distress sale, was as follows: It was well attended, although a very cold day, and it showed the question was of importance, and was made manifest by the energy and interest of every person present to debate and bring to light every point in the subject. And it must be well understood the motive of this debate is to show where the wrong or difficulty of one or more persons or company of persons have in doing business with each other, and if there was a wrong or difficulty that could be made clear and distinct to every one, that our present position was not as it should be, then we should try and find a remedy. There was a new system proposed and partly explained at this meeting. In this report it will be made more clear if possible. But, before we can proceed, the names of a few gentlemen present who took a part in the subject will be mentioned: Mr. Forsyth, M. P. P., for Beautiful Plains, Mr. Joseph Wyllie, Mr. Wm. Channon, Mr. Reuben Rear, Mr. Frank Grasby and O'C. J. Holmes.

The first question of complaint against our present position. There appeared to be a number of distress sales where goods and chattles of farmers had been sold at a sacrifice, and the debt in many cases was not all paid, although the law apparently paid itself first.

REPLY.

Is it not clear the law was getting the advantage of both creditor and debtor in many cases?

QUESTION.

It was made known that a majority of the seizures done by the law were under the dictation of persons in Cities and Towns far away, and any debt contracted with our Merchants near home, who had not been alarmed about their claims were obliged to stand by and lose all.

REPLY.

Is it not plain that creditors from a distance had taken advantage of their power in the use of the law against the debtor, and by so doing they were also taking the advantage of creditors at home which would have a tendency to make creditor at home use the law the next and most opportune time against debtor?

QUESTION.

Why are we subject to the law different from a man who invested in a Joint Stock Company?

REPLY.

Because a Joint Stock Company have a book with assets and liabilities balanced in a manner so that the purchaser may see the position or standing of the company.

## QUESTION.

We have a marked evidence that a great quantity of our land is diverted into the hands of Loan Companies every year, and the country in some districts is almost depopulated. It appears strange those mighty men of valor should have the power to take all our land, our cattle, and every thing grown or otherwise on the land, when they have only invested to a one-third valuation, and we are informed that Uncle Sam to the south will only allow a company to take one-half the stock and land and leave the settler on the other half.

## REPLY.

Is it not distinct that the law had given the land into the hand of creditors from a distance in the majority of cases, and by the removal of the actual settler, the property diverted back to the value of wild land, and is it not clear that the law had dealt between creditor and debtor in almost a criminal manner, and that we are not receiving justice equal to another nation?

## QUESTION.

There are complaints of inability to pay seed grain notes through the loss of crop some three years back, by hail; there has been a judgment of distress taking the crop since, and now the Municipal Solicitor is proceeding to sue and take more blood money in the manner of costs, which come first. Has a man no alternative but to mortgage his farm, for there is nothing exempt from the value of note or costs?

## REPLY.

Is it not proof positive beyond a doubt, that the law was acting in an unjust and criminal manner toward debtor, when the actual cause of the first trouble was an affliction sent by God, and creditor and debtor should share the loss then and there. The law should not be the antagonist to say the creditor should have all, and the debtor, who had invested actual value to a greater extent in the majority of instances, have nothing.

## QUESTION.

It is a well known fact, that under the new exemption act, a poor man losing one of his family, or a horse, or ox, or crop, he is not able to get a dollar's worth of any thing on credit, not even seed grain from the council.

## REPLY.

Is it not proof beyond a parable, that the law has come between man and man, to such an extent that none but the rich shall live, causing a still more criminal aspect, which will have a tendency to cause a poor man to rob and plunder from need, when it is a well known fact that lumber to make a coffin, or wood, or iron of any sort, is to be had in every man's possession.

## QUESTION.

Illustrate the position in mathematical point of view. No. 7, a farmer after harvest, but before the sale of produce, shortage of Creditors 1, 2, 3, 4, 5, 6.

Creditor and debtor

7

THE  
LAW.

crop from any cause. No. 6 applies to the law, and was never known to be refused, with a debt of \$50 against No. 7; and we

Debtors 8, 9,

must not forget to add \$40 costs. Take this \$90 out of his already short crop, what shape will No. 7 be in? Now No. 7 is obliged to get mad and jump on to No. 9 with law, for a debt of \$50 and, the law gets another \$40. No. 7 is still \$40 out of pocket, and the law is \$80 in pocket. Things are beginning to look bad, so No. 5 demands his claim to be settled, and there is no alternative but to use the law against No. 7, and No. 7 against No. 8. Now No. 7 is \$80 out of pocket, Nos. 8 and 9 are \$40 each and the law is \$160 in pocket. Nos. 1, 2, 3, 4 have got nothing, and by the law having taken \$80 from No. 7 it is causing a loss of \$20 each to Nos 1, 2, 3 and 4. The loss the law is causing in selling stock that is not fit for market can not be figured out, but one thing certain, No 7 will be down to the last cow, and will have to mortgage his farm to pay 1, 2, 3 and 4, and how long can No. 7 pay interest to a loan company with stock and implements more than half gone?

## REPLY.

Is it not certain the law had the advantage and intends to keep it to the finish, and No. 7 being creditor to No. 8 and 9 was the cause of their goods and chattles being sold at a sacrifice, also Do we not clearly see that soon as the law did meddle with the property of No. 7 it caused all the creditors and debtors to get mad and ugly toward each other; do we not know it was an injustice when it is known that No. 7 was an honest man or he should not have had so many creditors. We well know a rogue, or tricky person could not have more than one or two creditors in any town where he was known. Can we not feel for No. 7 in his affliction when it is altogether likely he will have to go and work out by the day for a very small pittance. Are we not alive to the fact that expense of wear and tear of implements, boots, shoes, clothing, or a physician in time of illness, 1 lb. or 3 lbs. per acre of twine to tie up the crop, are all things of expense to conduct that business, impossible to be done without, and no man living could tell how much or how little expense may be required to run the farm of No. 7 for one year; do we not clearly see that any honest farmer is liable to be in the position of No. 7 and subject to the mercy of the creditor and the law, and we have facts to prove there has been very little consideration shown a

farmer, from one or the other, and the last and only resort for No. 7 is to mortgage his farm to keep his family from starving and a roof over their heads for a little while, but not for long.

#### QUESTION.

Law is supposed by man to be justice, and law is made by a court of judge, two juries, two lawyers, a subject in the box and as many witnesses as may be found that possess any knowledge of the subject or person in the box. The knowledge of those witnesses possess of the subject in the box, if it be pleasing, showing him to be a good living, honest person, it is an expression called by law, the moral law, and if it should be the reverse, that he was a bad living person, who had done a wrong, then in a point of law, it is called the immoral law, and both moral and immoral evidence given, point to a certain degree, and there is a penalty attached to every degree. Now, gentlemen, does it not seem strange that we should be subject to a heavy penalty when we know in our minds there was no harm done with a malicious intent against our creditors; does it not seem strange our moral characters are never questioned in the transaction, that we are dealt as inanimate, a subject without feeling, which character is only found by the law in the lowest type of a criminal. Do we now understand that it is the law itself who is the demon that is standing between man and man; do we not clearly understand that the law is in the position of a rogue, and in its feeble attempt to do justice, it is only robbing Peter to pay Paul, and it has been such a signal failure, and robbed our country to such an extent, that to us the expression of an officer of the law, "the place is stinking with the goods and chattles of farmers to such an extent they would give them back to the farmers if they dare do so." Is this not the time to look most carefully into all these questions and debate them in every house. Is it not of great importance to every man, woman and child to make an effort to right this awful wrong done us?

#### REPLY.

Is it not forty above proof that we are under the criminal law to-day, and have been for generation after generation? Is it to be questioned of the injustice for a heavy penalty to be placed against an honest man without a jury, and do we not need a remedy? Is it possible among all the clever men of this age, and from the beginning of time up to now, there has been a missing link out of the law, and a big one too? Is it not beyond a doubt that we are working at a great disadvantage with the law as our antagonist? Look at the poor people it has robbed in the Province of Manitoba this two years; look at the farms what state they are in; look at the horses and animals of all sorts what condition they are in. The life and soul of both man and

beast have been driven to the finish in many cases, and it is impossible to keep such a law fed up, and the land would require to turn out gold by the bushel, for we are subject to the will and dictation of so many creditors from a distance, for we are obliged to purchase their wares to work with, not having the material here to make them of. And it is our duty to illustrate in detail, one more case, to show the full power of the law. The creditor, a farmer, purchased a binder, and was only able to make a very small payment shortly after the purchase, and for two years after that he was not able to pay anything, for drought and smut having destroyed the crop. Now the implement firm sued and the law seized all his crop of grain in the stack, hay, pigs, and the skunk grass on the stable top; but the skunk grass was allowed to remain by permission of the creditor. The exemption law allowed a team, one cow, two pigs, seed for twenty-five acres, feed for man and beast for sixty days from first of October, and the farmer had a loan of two hundred dollars against his farm. Now in order to save a shelter for himself and animals over the winter he was forced or obliged to sell the last bit of feed and seed at thirty-eight cents per bushel to pay the interest to loan company; there are fifty acres of land under cultivation and thirty of them plowed. Now how is that man to run that show? What shape will the man's poor animals be in before spring? What condition will the man be in himself? Now the question is, who should have the power to say that man and his animals should starve, Our Lord and Maker of all things, or the law in use in our land? Is this not the most serious conflicting point where the law in use now is standing in the position of a criminal, and taking the right to say that man and his animals shall starve or die. Is it not a cruel position for a man to be in through a long, cold winter in Manitoba? Why should a creditor have the power to use such a law, and we do wonder who first invented it. Is every person not well convinced that a law which is antagonistic to every moral character contained within man, is also antagonistic to the spiritual power of our Lord and Creator; for the moral character of man is simply an extract of the spiritual power contained within the system of man, and any law conflicting with one will also conflict with the other. Have we not given enough facts to prove that it is not a just law for the use of mankind. And is not our country and every thing in it suffering to a cruel extent from the use of it? Are we not justified in proposing a remedy to our Rulers. Most certainly, but it is also a bold position for us poor farmers to take, and we feel it is so, but being in the present condition and circumstances, it is only our duty to our God, our country, and ourselves, to produce what we have to the criticism of the public.

## A MORAL LAW.

### To Amend the Law of Distress and Protect the Purchasing Power of Money on an Equal Basis With the Loaning Power.

#### THE BOOK OF RECORDS.

**RULE NO. 1.**—An office of record. A Recording Office shall be kept in every City, Town, Rural Municipality, and incorporated district according to law, in central and convenient places for the use of people.

**RULE NO. 2.**—It shall be lawful for one or more persons, or company of persons, as the case may be, and the law directs, to be assessed for all their property, goods and chattles, under oath, and the assessment so taken shall be registered in the Recording Office according to law.

**RULE NO. 3.**—It shall be lawful for one or more persons, or company of persons, to appear at day time at the Recording Office. To ask for, and receive a registered copy in duplicate, of their assessment and liabilities, if any, free of cost.

**RULE NO. 4.**—It shall not be lawful for the manager or clerks of the Recording Office to show the assessment or liabilities of one or more persons, or company of persons, other than their own.

**RULE NO. 5.**—It shall be lawful before one or more persons, or company of persons, or their agents may perform any contract of debt or debts, to show a registered copy in duplicate of their assessment and liabilities to the one or more persons, or company of persons, or their agents, as the case may be, who accept the position of creditor. It will then be the duty of the one or more persons, or company of persons, or their agents, as the case may be, who accepted the position of creditor, to examine that duplicate of assessment and liabilities. If the position of creditor is still acceptable in the transaction, and what ever agreement made between creditor and debtor shall be registered at once, and before any other contract may be made between one or more persons, or company of persons, or their agents, in the Recording Office under oath.

**RULE NO. 6.**—It shall be lawful for one or more persons, or company of persons, who are in the position of debtor or debtors, to pay all moneys that are to be applied on debts into the Recording Office, and receive a receipt for the same.

**RULE NO. 7.**—It shall be lawful for the Recording Office toward the one or more persons, or company of persons, who are in the position of creditor or creditors, to pay over all moneys due to them as directed by the debtor or debtors, and receive a receipt for the same.

RULE NO. 8.—It shall be lawful for the Dominion Government and the various Provincial Governments and all the Municipal Corporations, to levy rates sufficient to pay their own costs, legal or otherwise, in recovering the principal and interest of any debt or contract, except where the law shall direct.

RULE NO. 9.—It shall be lawful for one or more persons, or company of persons, or their agents, as the case may be, who have assumed the position of creditor or creditors, to pay their own costs, legal or otherwise, in recovering the principal and interest of any debt, or contract, except where the law shall direct.

RULE NO. 10.—It shall be lawful when one or more persons, or company of persons, or their agents, who proceed to use the law to recover the principal and interest of any debt or contract, and where a written notice of protest appeared to prove the claim or claims interfered with other claim or claims of one or more persons, or company of persons. It shall be the duty of the law toward all the creditors and all the debtors to send them a written notice in due time, that they are required to appear and prove their claim or claims. If it so happens there is proof given to satisfy the law that there was a loss of principal, or interest, or both, or any portion thereof, caused by an affliction from God by drought, frost, hail, wind, water, or lightning, then the law shall send on a valuator to the place in dispute and take a valuation in writing of every claim nearly as possible, give the average of loss to each claim in writing; then the person, or persons, or company of persons, who were proceeding with the law, shall only extract on their claim or claims less the per cent. set by the law, and creditor or creditors and debtor or debtors shall pay toward the expenses to satisfy the law for the valuation done, and those expenses shall be paid in money in advance, or the law may ignore the protest or protests.

RULE NO. 11.—It shall be lawful for one or more persons, or company of persons, who purchase Real Estate Property, to adopt the assessment as a basis of valuation, the amount of money paid will define the share to be staked out by legal survey according to law, and where the contract calls for more money at a given time, it will be dealt with according to law by the rule of No. 10 until the debt is paid and the remaining portion of property redeemed.

RULE NO. 12.—It shall be lawful for one or more persons, or company of persons, or their agents, who loan money on Real Estate Property, to adopt the assessment valuation for a basis. The amount of money invested will define the share to be staked out by legal survey according to law. The refund of principal

and interest shall be dealt with according to law by the rule of No. 10 until the total amount of principal and interest is refunded, then the property shall be released.

**RULE NO. 13.**—The Government will require to set a standard rate of interest, that no corporation or individual shall exceed. It will require to have an inspector to call once or twice a year to inspect all books and proceedings, with power to propose and advise to a limited extent how the books and office should be conducted, where it is necessary; also to see there is a safe or vault suitable to the requirements and books of every sort required, type-writing machines, telephone and telegraph wires and appliances to connect with other offices, private, public, and Recording Offices, in other Cities or Towns where it is needed and the funds will permit.

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#### REMARKS BY THE INVENTOR.

GENTLEMEN—

DEAR SIR: I hope you will excuse my rude attempt to illustrate this new method of doing business. You will see that the law becomes the gigantic motor which conducts all the business. Resident and non-resident persons who own property in this province will pay to support it according to their assessment, and every business will be conducted on its own resources throughout. The law will have power to pacify all disputes, and give every satisfaction. The people will hold great respect toward such a law, for it will not irritate as at present. The poor laboring man who pays a very small tax will have the same privilege and safety on his honor as the most wealthy. It is my opinion that small transactions may be conducted by wire with perfect safety.

Yours very truly,

O'C. J. HOLMES,

Inventor.

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#### REMARKS FROM THE MEETING.

As true and loyal subjects of Her Majesty, Queen Victoria, and to Canada as our home. It is our duty to further the interest of, and amend if possible, our present position, and with permission of the inventor, O'C. J. Holmes, this new method of doing business will be circulated in our country and presented to our Government for further consideration.

Moved by WILL CHANNON.

Seconded by REUBEN REAR.

